House Calendar No. 137

98th Congress
1st Session

HOUSE OF REPRESENTATIVES

Report
No. 98-544

INVESTIGATION OF ALLEGED IMPROPER ALTERATIONS OF HOUSE DOCUMENTS

REPORT

OF THE

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT HOUSE OF REPRESENTATIVES

PURSUANT TO HOUSE RESOLUTION 254,
98TH CONGRESS, 1ST SESSION

November 14, 1983.—Referred to the House Calendar and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE
27-090 O WASHINGTON : 1983

H 743-5

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House Calendar No. 137

98TH CONGRESS
1st Session

HOUSE OF REPRESENTATIVES

REPORT
No. 98-544

INVESTIGATION PURSUANT TO HOUSE RESOLUTION 254 CONCERNING ALLEGED IMPROPER ALTERATIONS OF HOUSE DOCUMENTS

NOVEMBER 14, 1983.—Referred to the House Calendar and ordered to be printed

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Mr. STOKES, from the Committee on Standards of Official Conduct, submitted the following

REPORT

I. FOREWORD

On June 30, 1983, by a recorded vote of 409-0, the House agreed to House Resolution 254.[1] The Resolution authorizes and directs this Committee to conduct a full and complete inquiry into and investigation of alleged improper alterations of House documents including, but not limited to, the alleged alteration of transcripts of joint hearings on the Environmental Protection Agency (EPA) held on July 21 and 22, 1982, before five subcommittees of the Committees on Government Operations, Science and Technology, and Energy and Commerce.

The Resolution directs this Committee to determine whether any individuals have violated the Code of Official Conduct or any law,[2] rule, regulation, or other standard of conduct or engaged in any other misconduct with respect to the events investigated.

The Resolution directs that the Committee report its findings to the House no later than December 30, 1983.

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[1] H. Res. 254 is set forth in its entirety as Exhibit 1 of this Report.

[2] The Committee expresses no opinion of whether the improper alteration of House documents constitutes a violation of law in view of the current investigation of the matter by the Public Integrity Section, Criminal Division, Department of Justice. See letter dated October 7, 1983, from Stephen A. Trott, Assistant Attorney General, Criminal Division (Exhibit 2).

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II. HIGHLIGHTS AND RECOMMENDATIONS

A. BACKGROUND

The Committee viewed House Resolution 254 as assigning three basic tasks: First, to investigate the specific allegations of improper alterations brought to its attention; second, to expand the investigation to any other matters relevant to the Resolution; and third, to make recommendations based upon the Committee's findings.

Because of the investigation's primary concern with the process by which House documents are prepared and published, it was necessary to establish a clear understanding of the elements of the reporting process. Once so established, this understanding formed the basis for determining what changes to House documents are permissible or expected and those which are not (i.e., "improper alterations").

Unbeknown to most Members and staff, the policy and practice of reporting services, both in-house and commercial, in preparing transcripts of hearings does not necessarily result in literal verbatim transcripts, nor is it intended to unless a literal verbatim transcript is specified. Specifically and typically, reporters "smooth" testimony in preparing transcripts; i.e., they correct grammar and syntax or make other modifications while trying to retain the meaning of the original remarks. The Committee was informed that the objective of this practice is to make the record more readable. In at least one instance, however, that practice resulted in an inaccurate transcript.

At first it appeared that such "smoothing" alterations should be regarded as "improper", having been made without the knowledge and approval of the participants at hearings.

For purposes of the Resolution the Committee quickly determined this approach to be impractical since it would entail not only a review of the EPA hearings and other instances of alleged improper alteration but, in fact, every printed record derived from a transcript prepared since inception of the policy to allow "smoothing".

The Committee therefore settled upon an operating definition of improper alteration that would not only be comprehensive but would also recognize the current policy for preparing hearing transcripts. That is not to say the Committee approved the policy and practice, but rather conducted the investigation in light of it.

Upon investigating the allegations and establishing relevant facts, the Committee found that the instances reviewed which involved changes to documents fell into two broad categories:

I. Improper alterations; i.e., those made either without authority or exceeding the limits of permissible change.

II. Permitted alterations; i.e., those made with authority or within permissible limits or made as part of accepted practice and procedures in preparing transcripts and related documents.

Of all of the allegations involving changes to documents, only one fell into the first category. That situation concerned the EPA hearing on July 21 and 22, 1982, where an employee made improper alterations to the record.

The second category, so-called "permitted alterations", is composed of several subgroups. These include "systemic" errors (where a transcript has been prepared inaccurately), authorized changes to testimony to correct inadvertent errors, staff actions to change documents, e.g., drafting legislation to implement decisions made or actions taken, and revisions to remarks made on the floor.

The report is organized to reflect, in part, the Committee's findings with respect to the two categories of alterations. The investigation also indicated a third category of allegation. Unlike the first two groups, however, the third category did not involve changes to documents but rather, a situation in which a record was believed to have been altered when, in fact, this was determined not to be the case.

B. Findings and Recommendations

1. CATEGORY I—IMPROPER ALTERATIONS

In the case of the July 21 and 22, 1982, joint subcommittee hearings on EPA oversight, Lester O. Brown, through sworn interrogatory and deposition, has admitted to making improper alterations. On September 1, 1983, Mr. Brown advised the Chairman of the Committee on Government Operations that he personally made unauthorized changes to the EPA hearing record. The Chairman of the Committee on Government Operations terminated Mr. Brown from his position with the House of Representatives on September 2, 1983. The Committee recommends that the record of the July 1982 hearing be corrected and republished.

2. CATEGORY II—PERMITTED ALTERATIONS

a. Practice of reporters

Certain commercial organizations (operating under contract with the Office of the Clerk) provide reporting services to House committees. When so requested, these organizations provide transcripts of hearings and other committee business. Some of the contractors use a system whereby a reporter electronically records the proceeding onto a voice tape which is later transcribed, such document resulting in a transcript of the hearing or meeting. A similar method (or variation thereof) is used by some recording technicians employed by the Office of Official Reporters.

The Committee reviewed, at random, transcripts and voice tapes of recent hearings to determine the accuracy of the transcripts given to the committees by both contractors and House reporters. The Committee also talked to representatives of some of the companies to determine whether, and to what extent, they edit these documents. The Committee found that it is common practice for the reporters (both commercial and in-house) to "smooth" the record, that is to correct grammar and syntax without changing meaning. Representatives of the Office of the Clerk indicated that they were aware of and satisfied with this practice. They did not indicate, however, whether committees were aware of it.

Reporter-editing is not an error-free practice. The Committee's investigation of the allegation concerning the June 9, 1982, hearing on the synthetic fuels industry established that the allegation was precipitated by an inaccurate transcript and not from improper alterations to the transcript.

It is recommended that committees consider whether they want House reporting technicians and contractor reporting services to provide literal verbatim or "smoothed" transcripts. The Committee also recommends that, regardless of the type of transcript provided, committees obtain and keep voice tapes of hearings to later verify transcript accuracy.

b. Authorized error correction

One allegation involved a situation in which a Member excised statements from a hearing record which in fact had been made but should not have been made because the information had been supplied in confidence. The Committee does not object to such authorized changes (made by or on behalf of the person whose remarks are altered) since it promotes a proper record. No recommendations are made in connection with this subcategory.

c. Authorized changes to implement decisions made or actions taken

Three allegations involved instances where committee staff, acting with proper authorization from the committee, changed documents (e.g., legislative language) to reflect committee action. In the cases investigated, there was no evidence of staff acting to alter documents either without authorization or to alter in a way that was intended to disregard the committee intent. Rather, each situation involved a dispute about whether the staff had correctly implemented the decisions made. No recommendations are made regarding this subcategory.

d. Errors in drafting committee report

One allegation was determined to concern a situation in which subcommittee staff made numerous errors in preparing the draft of a report. While the Committee determined the matter to involve sloppy work and inattention to detail (such as verifying the accuracy of quoted material) no evidence of improper alterations was found. Aside from exhorting staff to ensure the accuracy of factual material used in preparing reports, no recommendations are made.

e. Revisions to include material for the record

One allegation concerned whether committee staff improperly included some and excluded other material from the record in preparing a committee report. The committee staff was found to have been acting with authority. The matter was apparently due to a lack of or incomplete communication between Members and staff on this issue. No recommendations are offered.

f. Revisions to floor debates

One allegation involved a Member's revising his remarks during floor debate on a bill. The Committee determined that the Member had been authorized to revise and extend his remarks. No recommendation is offered.

g. Undocumented statements

Several Members who made statements on the House floor regarding alleged improper alterations did not provide documentation to substantiate their charges. The Committee believes such statements, made without examining the records in question, can be detrimental to the Member as well as the staff responsible for the hearing in question.

This Committee, therefore, recommends to all Members that extra care be taken before making public statements that purport to be based on fact and documentation.

3. CATEGORY III—OTHER ALLEGATION

The Committee also investigated an allegation of improper alteration that did not involve alterations, but rather, a misunderstanding. No recommendations are made as a result of the Committee's findings.

4. OVERALL FINDINGS

Based upon the investigation of the allegations and the responses to the over 600 interrogatories returned to the Committee, there was absolutely no evidence whatsoever of a pattern of improper alteration to House documents. Indeed, in only one case was such activity found.

C. In-House Editing and Printing Procedures

By letters dated September 16, 1983, the Committee invited interested Members, staff, and others to provide advice and suggestions regarding the editing and printing of House documents.[3] The Committee then analyzed the responses in the context of the results of its investigation and existing policies and practices.

The Committee concludes that the editing practices employed by House committees, while varied to conform to particular preferences, are adequate and incorporate sufficient safeguards to prevent recurrence of the EPA hearing experience.

The Committee believes that the EPA situation was singular and did not represent an overall weakness in the system. Rather, that case involved a failure to carry out established procedures (e.g., the reading of galley proofs by responsible staff) coupled with an intentional act by one individual to make improper alterations. The Committee believes that, had the hearing materials been read at the various stages of evolution from the transcript to print, most, if not all, of the alterations would have been detected and eliminated.

Therefore, the Committee found no basis upon which to recommend broad systemic changes to the current practices regarding the editing and handling of transcripts, galleys, and page proofs. The Committee does, however, recommend that when joint hearings are held, the participating committees or subcommittees reach a clear understanding on the allocation of responsibility in the editing and preparation of the hearing record.

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[3] A copy of the Committee's letter to all Members appears in Exhibit 3.

III. INTRODUCTION

A. Events Leading up to Passage of House Resolution 254

On July 21 and 22, 1982, joint hearings were held on the operation of the Environmental Protection Agency (EPA) by the following five subcommittees: Subcommittee on Environment, Energy, and Natural Resources of the Committee on Government Operations; Subcommittee on Health and the Environment and the Subcommittee on Commerce, Transportation, and Tourism of the Committee on Energy and Commerce; and the Subcommittee on Natural Resources, Agriculture Research and Environment and the Subcommittee on Investigations and Oversight of the Committee on Science and Technology. The hearings were chaired by Representative Toby Moffett of Connecticut, then Chairman of the Subcommittee on Environment, Energy, and Natural Resources. The staff of the Reporters of Committees prepared the transcripts.

As is customary in the case of hearings to be printed, copies of the relevant pages of testimony were sent to those Members and witnesses who participated in the hearings for editing and correcting. A master copy of the transcript which incorporated these changes was prepared and sent to the Government Printing Office (GPO) for printing. After galley and page proofs were printed and corrected, the hearings were printed and copies were delivered on May 2, 1983.

After the printed hearings were distributed, a discrepancy was discovered between Representative Walker's testimony as contained in the printed hearing and as reported in the original transcript. On June 14, 1983, Chairman Brooks of the House Committee on Government Operations addressed the House to inform Members that alterations had been discovered in the printed hearing and to assure Members that efforts were being made to discover the facts and find a remedy.

On June 15, 1983, Chairman Brooks, Chairman Fuqua of the Committee on Science and Technology, and Chairman Dingell of the Committee on Energy and Commerce sent a letter to Chairman Stokes of the Committee on Standards of Official Conduct requesting that the Committee investigate the alteration of the EPA transcript. On June 16, 1983, Chairman Brooks addressed the House to inform Members of that request. On the same day, at the request of Representatives Horton, Winn, and Broyhill (the ranking minority members of the Committee on Government Operations, the Committee on Science and Technology, and the Committee on Energy and Commerce, respectively), the records relating to this situation were impounded.

In addition, claims were made that yet other hearing records had been altered. Specifically, on June 28, 1983, Representative Judd Gregg stated that improper changes had been made in a printed hearing record of testimony given regarding the Synthetic Fuels Corporation, as well as a 1980 hearing on the silver market. Unlike the EPA hearing allegation, however, no specific examples of alterations were offered.

On June 29, 1983, House Resolution 254 was introduced and referred to the Committee on Rules. The Resolution directed the

Committee on Standards of Official Conduct to investigate the matter of alleged improper alteration of hearing transcripts and committee documents. On June 30, 1983, House Resolution 254 was agreed to by a 409-0 recorded vote. The investigation formally began on that date.

B. Summary of Findings

The investigation resulted in four major findings:

First, that transcripts are not necessarily a literal verbatim record of proceedings; i.e., it is an accepted, albeit generally unknown, practice for reporters to edit dialog in preparing transcripts.

Second, of the allegations of improper alterations investigated, only one has been supported by evidence. The Committee concludes that there was insufficient evidence to support the others.

Third, the Committee feels that several persons who made strongly worded statements regarding, for example, a "pattern" of alteration, did so without sufficient verification or documentation to support their allegations.

And fourth, the procedures by which committees edit and prepare their published documents are generally sound; there is no notable systemic weakness demanding a major change to current practices.

The Committee also points out that, during the investigation, it was afforded the utmost courtesy and cooperation by the Members and committee staffs contacted. This is particularly true in the case of the Committees on Government Operations, Science and Technology, and Energy and Commerce, the committees that participated in the 1982 EPA hearing. The Committee recognizes the sensitivity and discomfort felt by all individuals interviewed during the investigation and appreciates their candor and openness during a period in which innuendo and rumor were abundant.

C. The Importance of the Accuracy of Official Congressional Documents

The accuracy of official congressional documents cannot be overstated. Such materials are the primary, and in some cases the only, basis for understanding the give-and-take of the political processes which lie at the very heart of the legislative process. Such materials are also important to the executive branch in gleaning what is commonly referred to as "legislative intent" in the implementation of Federal programs and activities. Finally, these records are often the cornerstone of judicial and administrative opinions which determine the rights and liabilities of litigants. Thus, the accuracy of congressional proceedings is essential to the workings of the three branches of government.

For this reason the Committee on Standards of Official Conduct, on behalf of the House of Representatives, has meticulously carried out this assignment.

D. SUMMARY OF RECOMMENDATIONS

Lester O. Brown, a professional staff member of the Environment, Energy, and Natural Resources Subcommittee of the Committee on Government Operations, made numerous improper alterations to the July 21 and 22, 1982, EPA hearing record. Details of this investigation are discussed later in this report. Mr. Brown was terminated from his position with the House of Representatives on September 2, 1983. The Committee recommends that the EPA hearing record be corrected and republished.

Several Members made public statements regarding other alleged improper alterations that were found to be unsupported. The Committee recommends that extra care be taken before making public statements purportedly based on fact.

The Committee's review of the policy and practices used in the preparation of transcripts by in-house and contractor reporters indicates that committees should make clear whether they expect and want literal verbatim or "smoothed" transcripts. In this regard it is also recommended that voice tapes be retained for verification of transcript accuracy.

After reviewing current printing procedures in the context of this investigation, the Committee found no basis upon which to make recommendations regarding the editing and processing of transcripts, galley, and page proofs. The Committee does, however, recommend that whenever joint hearings are held, the participating committees or subcommittees reach a clear understanding on the allocation of responsibility in the editing and preparation of the hearing record.

IV. SCOPE OF INVESTIGATION

A. LANGUAGE AND LEGISLATIVE HISTORY OF HOUSE RESOLUTION 254

House Resolution 254 imposes a broad mandate upon the Committee on Standards of Official Conduct. The Committee is authorized and directed to:

> * * * conduct a full and complete investigation into improper alterations of House documents including, but not limited to the alleged alteration of transcripts of joint hearings entitled, "EPA Oversight: One Year Review" * * *

The language of the Resolution, coupled with the discussion of House Resolution 254 on the House floor on June 30, 1983, leaves no doubt that the Committee on Standards of Official Conduct is to investigate every known instance and allegation of improper alteration. The Resolution was introduced on June 29, 1983, by Committee Chairman Louis Stokes and the Ranking Minority Member, Representative Floyd Spence.

Also on June 29, 1983, but before introduction of House Resolution 254, Representatives Winn, Sensenbrenner, Walker, Gregg, Carney, Hiler, and Schneider introduced House Resolution 245. This Resolution also authorized an investigation into improper alterations of House documents. Unlike the subsequently introduced House Resolution 254, House Resolution 245 would have established a select committee to conduct the investigation rather than the Committee on Standards of Official Conduct.

After considerable debate, on June 29, 1983, both resolutions were referred to the Committee on Rules. On June 30, 1983, the Committee on Rules' report on House Resolution 254, Rept. No. 98-285, was returned to the House. By a recorded vote of 409-0, the House agreed to House Resolution 254, as amended. The Committee on Rules' one amendment to the original Stokes-Spence resolution was to require that the Committee on Standards of Official Conduct report the ". . . results of its inquiry and investigation . . . to the House not later than December 30, 1983." There can be no doubt as to the scope of inquiry mandated under House Resolution 254 or the authorities granted to the Committee to carry out the investigation, and no questions have been raised with respect thereto.

B. Definition of "Improper Alterations" of House Documents

The issue of what constitutes an "improper alteration" of an official document is neither novel nor subject to immediate resolution.

Moreover, a review of the "editing" policies adopted by House committees establishes that the limitations placed on the editing of transcripts of proceedings vary among the committees. However, common threads run through most, if not all, of the policies: First, it is improper to change the meaning of a statement (unless, of course, the change corrects an inadvertent error, for example, one caused by a memory lapse or a number transposition). This limited flexibility to change inadvertent errors in meaning apparently stems from a general recognition of the extemporaneous nature of most committee proceedings; that is, impromptu questions, answers, and remarks by hearing participants. Thus, to deny Members and witnesses the opportunity to correct such errors would be tantamount to insisting that the records of committee hearings should not necessarily be factually accurate or reflect correctly the views of the participants. And, second, the Committee's review of the policies also establishes that it is improper to extensively edit a statement even though the original meaning is unchanged.

As discussed more fully in Section VI of this Report, the Committee found that reporters and transcribers routinely "smooth" dialog in the preparation of transcripts. The Committee determined this practice to be part of the accepted policy of the Office of Official Reporters. While the basis of the policy appears reasonable (i.e., correction of grammar, syntax, obvious errors and the addition of punctuation) to promote a readable record it is nevertheless generally unknown. The Committee decided that any alterations made to remarks in transcript preparation (and, therefore, by implication any inadvertent errors made in "smoothing") should be considered permissible changes. To conclude otherwise would have not only brought into question every "smoothed" transcript but also would have disregarded the accepted practice and policy of the Office of Official Reporters and the reporting "industry" at large.

In the context of the present investigation, the Committee has added to the above criteria the editing of an official record without authority to do so. In this latter case, the editing may itself be within acceptable limits, perhaps, even appropriate or necessary, but done without the requisite authority (e.g., a majority staff member editing a minority Member's statements without the Member's authorization).

In summary, the Committee has, for the purposes of this investigation, settled upon the following definition of "improper alteration":

An alteration is improper if it either:

a. is not permitted as part of accepted practices in the preparation of transcripts; or

b. changes the meaning (absent obvious or inadvertent error); or

c. extensively modifies (by extensive clarification or addition) an official document; or

d. inserts material (e.g., documents) without authority or omits, without authority, material submitted for the record.

Alterations are also improper when editing is done without authority although the nature of the alterations does not come within (a), (b), (c), or (d) above.

C. ALLEGATIONS INVESTIGATED

In all, a total of 11 allegations of improper alterations, either referred to by Members or the news media, were brought to the Committee's attention. All have been investigated. A detailed discussion of each allegation and the findings made with respect thereto appears in Section VII of this report.

V. CONDUCT OF THE INVESTIGATION

A. CHARACTERISTICS

By agreement with the United States General Accounting Office, Mr. Ralph L. Lotkin, Senior Attorney, was detailed to the Committee. Mr. Lotkin was designated as Chief Counsel to conduct the investigation directed by House Resolution 254. Mr. Lotkin assembled a staff of individuals whose background and expertise lent themselves to the conduct of the investigation.

Since June 30, 1983, the Committee has investigated every allegation of improper alteration brought to its attention. The Committee has contacted many individuals who might have information on the subject matter of the investigation.

The Committee conducted numerous interviews and reviewed literally thousands of pages of documents in an effort to verify allegations of improper alterations. The Committee interviewed individuals from congressional and committee staff, reporters, witnesses at committee hearings, GPO, the news media, and current and former Members. Moreover, on July 29, 1983, the Committee sent over 600 interrogatories to current and former Members, witnesses, and certain current and former staff to obtain information on improper alterations.[4]

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[4] Exhibits 4 and 5 set forth in their entirety the interrogatories sent to Members, and staff and witnesses, respectively.

Committee investigators have also conducted word-by-word analyses of hundreds of pages of transcripted proceedings. Such analyses have been undertaken with the goal of not only quantifying the instances of improper alterations but also identifying that nature and significance of the alterations. The Committee is satisfied that conclusions reached represent the analysis of all known and available information relevant to each allegation.

B. LIMITS

This investigation posed unique difficulties. The Committee has had to depend in large measure on interviews to investigate the matters. Developing evidence has thus depended on the willingness of individuals to come forward and to respond honestly to investigators' questions.

The investigation that has been conducted has, in the Committee's judgment, been as thorough as is reasonably possible. The Committee did not find a large number of individuals with knowledge of who may have authored improper alterations. Perhaps this was to be expected since in an area involving such conduct, braggadocio would not be a likely side product of such an act.

VI. POLICY AND PRACTICE OF REPORTERS IN TRANSCRIPT PREPARATION

The Committee approached the tasks assigned by House Resolution 254 with no assumptions regarding either the validity of the allegations or the procedures by which House documents are prepared. To do otherwise, of course, would have improperly biased the investigation.

Of necessity, however, the Committee did assume, in those allegations involving suspected improper alterations to transcripts, that the subject transcripts were accurate reflections of the proceedings and were truly "raw" in the sense of not having been edited in any way. Thus, the Committee further assumed that the editing of such documents after their receipt by hearing participants and committee staffs represented the first instance of editing. With such an understanding, it was logical to conduct the investigation from the perspective that the editing procedures used by the various House committees involved alterations (whether proper or improper) to "raw", i.e., literal verbatim, transcripts of proceedings.

The Committee's investigation clearly established that the basic assumption—i.e., that reporters prepare verbatim transcripts at the outset—was incorrect. It also determined that House committees are generally unaware of this.

The Committee contacted the Office of the Clerk. The Committee was informed that the accepted practice and procedure of both the in-house reporting technicians and commercial organizations that provide reporting services to the House is to prepare a "reporter-edited" transcript (unless a literal verbatim transcript is specified). Specifically, the Director of the Office of Official Reporters stated that in a "reporter-edited" transcript, "the reporter has corrected syntax, grammar, and English usage as required for a more readable record." (App. A)

Similarly, the Committee was told by the President of Twin Trak Voice Writers, an organization that provides reporting services to the House pursuant to contract, that when Twin Trak prepares transcripts of House proceedings, it too omits "ungrammatical expressions and constructions and [adds] clarifying words so that the spoken word becomes clear in writing." Twin Trak further stated that, in the absence of such a practice:

> . . . one would have to wade through and [sic] awful lot of inaccurate, superfluous, and misleading expressions in order to get at just what the witness is trying to say. (App. B)

Appendix C contains examples of reporter-edited transcripts with annotations indicating what was actually said based on a review of voice tapes.

From the standpoint of verifiability, the Committee determined that reporters use either of two techniques in preparing the record of a proceeding. One method is the use of a stenotypewriter with which the reporter takes what can be called "dictation" from the participants. A transcript is then prepared from the tape of steno notes taken by the reporter. Clearly, if the reporter errs in recording the participants' remarks, there is no way to contradict or verify the transcript so produced because the transcript will reflect the steno notes (unless, of course, there is a difference between the notes and transcript). The Committee also understands that there is often reporter editing at the time the stenotyping is done (i.e., at the hearing). Again, the nature and extent of such editing cannot be determined in the absence of another means to verify the accuracy of the steno notes.

The second method entails the use of voice recording equipment. When so used (as, for example, by Twin Trak Voice Writers) an actual recording is made of the proceeding by means of a tape recorder. Simultaneously with this recording, the reporter will also use a synchronized tape to identify the speaker. Or, the reporter may repeat the remarks, replete with speaker identity and punctuation, onto a second tape. Later a transcript is made using the recording which contains speaker identity and punctuation. The Committee understands that reporters employed by Twin Trak and House reporting technicians use both of these recording techniques. In both cases the reporter and transcriber make decisions on editing, grammar, punctuation, syntax, etc., while avoiding changes in meaning. Unlike the first type of reporting method, the tape recording approach is verifiable since the accuracy of the transcript can be checked against the voice recording of the proceeding.

The Committee reviewed, at random, several transcripts and voice tapes of recent hearings to determine the accuracy of the transcripts given to the committees by both contractors and House reporters. The sample included transcripts which were described as being either literal verbatim or reporter-edited. Regardless of type, each transcript was complemented by a voice tape to evaluate accuracy.

Review of the verbatim transcript established very few discrepancies between the transcript and the tape recording. These differences (only 27 in 50 pages of transcript) did not indicate reporter editing, but rather, primarily consisted of minor word transportations and misunderstood words (not affecting meaning). In short, the Committee is satisfied that the transcript was as verbatim as can reasonably be expected.

On the other hand, the review of the reporter-edited transcripts accompanied by voice tapes (both in-house and commercial) disclosed a consistent pattern of "smoothing" in which pauses (i.e., "uh") were deleted, run-on sentences divided, or grammar, and syntax corrected. There was no indication of any pattern of editing suggesting lost or changed meanings or misleading statements. In fact, a comparison of the verbatim and reporter-edited transcripts indicated that both involved minor deviations from the voice tapes with the latter being, in general, somewhat more readable due, apparently, to the reporter "smoothing".

As noted, the Office of Official Reporters is aware of and condones the reporter editing practice. On the basis of its review, the Committee cannot state that this practice necessarily results in inaccurate transcripts. Moreover, because of the long-standing policy of the office of Clerk to permit reporter editing, the Committee must view it as an accepted, indeed authorized, practice in the preparation of transcripts

The Committee is concerned whether this apparently authorized editing is known to House committees, let alone Members or hearing participants. Indeed, it could well be argued that authority to edit remarks must consciously flow from the source of the statement and not be the result of a tacit understanding between the Office of Official Reporters and reporting technicians or outside contractors. (The Committee notes that the standard contract between outside organizations and the Office of the Clerk does not expressly address whether transcripts are to be verbatim or "smoothed.") The Committee has considered and rejected this argument on the grounds that examination of the transcript preparation technique does not disclose a systemic problem resulting in flawed transcripts. Were this not the case, the Committee would be persuaded that the practice should not be regarded as authorized editing.

The fact still remains that House committees and staff are not aware of the practice of reporter editing.

It is recommended, therefore, that committees consider whether they want House reporting technicians and contractors to provide verbatim or "smoothed" transcripts. The Committee also recommends that, regardless of the type of transcript provided, committees obtain and keep voice tapes of hearings to later verify transcript accuracy.

VII. RESULTS OF INVESTIGATION

The investigation established three broad categories into which all the allegations could be placed, two of which involved actual document alterations. The three categories are: improper alterations to documents, permitted alterations, and "other"—an instance not involving any alterations at all. The discussion which follows is organized to reflect the three broad categories of allegations. Each discussion presents the findings of the Committee and, where appropriate, recommendations regarding each category.

A. CATEGORY I—IMPROPER ALTERATIONS

Of the allegations investigated, only one fell into the category of improper alterations. The specific instance related to the July 21-22, 1982, hearing regarding oversight of the Environmental Protection Agency (EPA). Details of the allegation follow.

1. BACKGROUND

As discussed in Section III, EPA oversight hearings were held on July 21 and 22, 1982, by five subcommittees of the Committees on Government Operations, Energy and Commerce, and Science and Technology. After a review and editing process lasting more than 9 months, a printed hearing record of the 2-day proceedings was issued on May 2, 1983.

Within 8 weeks of issuance of the printed record, the EPA hearing became the subject of a heated controversy in the House; moreover, it became the topic of a conversation not heard previously—the apparent intentional improper altering of the official record of a House hearing. Not only did the indications of improper alterations spark controversy, but they also served as the catalyst for allegations of improper alterations to other House documents. The issue came to a head with the House's passage, by a vote of 409-0, of House Resolution 254 authorizing an investigation of all such allegations.

The key events and statements leading up to passage of the Resolution are summarized below.

On May 10, 1983, Representative Larry Winn wrote a letter to Representative Don Fuqua, Chairman, Committee on Science and Technology. Representative Winn's letter stated that he had been informed by his staff that there were serious mistakes and oversights made in compiling the EPA hearing record. Representative Winn's letter was brought to the attention of Mr. Robert Ketcham, General Counsel, Committee on Science and Technology.

Mr. Ketcham compared the printed record with a transcript of the EPA hearing. He also talked with majority and minority subcommittee staff and other individuals who had a role in the hearings. For example, Mr. Ketcham spoke with Mr. David Clement, the minority staff member on the Committee on Science and Technology who was responsible for reviewing and editing Representative Walker's testimony at the 1982 EPA hearing. Mr. Clement was advised to check the record carefully.

On May 20, 1983, Mr. Walker sent a letter to Chairman Fuqua indicating that the word "not" had been inserted into one of his statements. The product was the printed quote, "Many Members of the other party know that I am not willing to take part in reasonable hearings and participate critically." At this point Mr. Ketcham prepared a memorandum to Chairman Fuqua stating that the record of the EPA hearing had been substantially altered. Mr. Ketcham recommended the record be corrected and republished.

About May 20, 1983, Mr. Ketcham asked Ms. Elizabeth (Betty) Eastman, assistant to the staff director of the Subcommittee on Investigations and Oversight, to undertake a side-by-side comparison of the printed hearing and transcript, Ms. Eastman and those assisting her completed their work and on June 7, 1983, a memorandum containing their findings was sent to Mr. Ketcham. Mr. Ketcham reviewed their analysis. On June 9, 1983, he sent a copy of it to Mr. David Jeffrey, Minority Counsel, Committee on Science and Technology. Soon thereafter, the majority and minority staff conducted several meetings because some of the changes identified were substantial and, in some cases, resulted in remarks embarrassing to the indicated source.

On June 14, 1983, Representatives Winn, Walker, Carney, Gregg, Sensenbrenner, and Schneider sent a letter to Chairman Fuqua requesting a special committee meeting. Also on that day Chairman Jack Brooks of the Committee on Government Operations stated on the House floor that he too was aware of the matter and considered it a serious issue. He noted that an investigation by his and Chairman Fuqua's staff had not resulted in discovery of the source of the alterations. (See Cong. Rec. daily ed., June 14, 1983, H 3893.) Representatives Gregg, Hiler, and Walker also addressed the issue on the House floor on June 14. (See id., H 3897-3898.) By June 14, 1983, the news media began focusing attention on the matter of improper alterations. (See New York Times, June 14, 1983. p. A-23, and Washington Times, June 14, 1983, p. 1.)

On June 15, 1983, Chairman Brooks, Fuqua, and Dingell wrote to Chairman Stokes of the Committee on Standards of Official Conduct requesting an investigation.

On June 16, 1983, Chairman Brooks again addressed the House. He referred to his June 14 speech and notified the Members of the three Chairmen's request for an investigation. (See Cong. Rec. daily ed., June 16, 1983, H 4056-57.) Immediately after Chairman Brooks' statement, Representatives Walker and Gregg expressed skepticism that the Committee on Standards of Official Conduct would adequately deal with the matter. (See id., H 4057.)

On June 17, 1983, Chairman Fuqua responded to the letter of June 14 sent by the Republican Members. He stated he would call a special committee meeting to discuss the issue.

Mr. Walker was recognized for 60 minutes on the House floor on June 21, 1983. (See Cong. Rec. daily ed., June 21, 1983, H 4184-4192.) During the hour, Representatives Walker, Sensenbrenner, Hiler, Gregg, Carney, Schneider, and others underscored the seriousness of the matter and called for what they termed an "open" investigation.

On June 23, 1983, Chairman Fuqua held a special meeting of the Committee on Science and Technology. The Members debated whether the Committee on Standards of Official Conduct should investigate the alterations. The Committee ultimately adopted, by a 27-13 vote, Chairman Fuqua's resolution that the Committee on Standards of Official Conduct be asked to investigate.

During June 1983 the Committee on Government Operations also was actively trying to assess the nature and extent of improper alterations to the 1982 EPA record. For example, all staff of the Subcommittee on Environment, Energy, and Natural Resources (EENR) were asked to give the Subcommittee Chairman, Representative Mike Synar, or the Subcommittee Staff Director, Ms.

Sandra Harris, statements of which each recalled about the handling of the transcript and related materials of the 1982 EPA hearing. Memorandums were prepared by Ms. Sheila (Becky) Meadows, Mr. Lester Brown, Ms. D. Ann Murphy, Mr. Don Gray, and Ms. Edith Holleman.

On June 13, 1983, Mr. William Jones, Chief Counsel, Committee on Government Operations, sent a memorandum to Chairman Brooks. The memorandum updated Mr. Brooks on the status of what was known about major alterations and possible courses of action. This memorandum was the basis of Representative Brooks' floor statement of June 14, 1983.

On June 20, 1983, Mr. Jones met with personnel assigned to the Committee on Government Operations by GPO and the EENR Subcommittee staff. The discussion focused on the seriousness of the alteration matter and how it had affected majority/minority communication. Also discussed was the issue of whether the Committee on Standards of Official Conduct had jurisdiction over the investigation. Mr. Jones invited the person or persons who had made the improper alterations, if present, to speak with either him or Chairman Brooks.

The next significant events were the debates of June 28–30, 1983. During this period House Resolution 245, authorizing a select committee to investigate the allegations if improper alterations, was introduced; so too was House Resolution 254. Section IV of this Report discussed the salient features of those debates.

2. HANDLING OF TRANSCRIPTS, AND GALLEY AND PAGE PROOFS

Even though a number of Members and staff have analyzed the 1982 hearing record to identify the nature and extent of improper alterations, the Committee concluded that an intensive side-by-side comparison of certain documents, conducted by staff assigned to the Committee's investigation, was necessary. To this end, the Committee has identified every difference between the transcript of the July 21–22, 1982, hearing and the master galley proofs of the proceedings obtained from the Committee on Government Operations. The master galley proofs were chosen because they could be used to pinpoint alterations made at the transcript (i.e., preprint) stage and those made subsequently. In short, the Committee wished to determine if the alterations had been made at one time or were made at more than one step of the process. Appendix D represents the staff's analysis. The Appendix establishes that there were 3,386 changes, regardless of character, to the transcript before the galley proof stage. Another 410 changes, regardless of character, were made to the galley proofs.

In the case of the EPA hearings, after galley proofs were prepared, the material went to a page proof stage and then final printing. Twelve changes were made to the page proofs. Thus, the staff's analysis of all documents (transcripts, galley, and page proofs) established a total of 3,808 changes between the original transcript and the 703 pages of printed record.

The Committee's analysis established that improper alterations had been made at two phases. Specifically, changes were made at the transcript stage, and improper alterations were made while the record was in galley proof phase. This was determined by identifying improper alterations that appeared *in* the galleys (i.e., printed by virtue of a transcript alteration) and improper alterations that were made *to* the galleys (i.e., editing of the printed galley text). An example of the former is the addition of the word "not" to Representative Walker's statement. (App. D, p. 65) Illustrative of the latter is the change of the word "majority" to "minority" in Mr. Hiler's remarks. (App. D, pp. 156 to 157)

The Committee staff also tried to trace the evolution of the hearing from transcript to the final printed record. All staff responsible for handling or processing the transcripts, galley proofs, and page proofs were interviewed to determine what was done, when it was done, and who did it. The following discussion sets out the prehearing preparations and handling of the transcript and galley and page proofs.

The days preceding the hearing were marked by disagreement and, in some cases, bickering among certain staff members of the subcommittees participating in the hearing.

The Committee believes that this antagonism played a key role in precipitating the acrimony clearly evident at the hearing and in the post-hearing period during which the formal record was prepared. For example, Mr. David Clement, a minority staff member on the Science and Technology Committee, stated that he went to a meeting on the afternoon of July 20, 1982, attended by Ms. Catherine (Cathy) Sands, minority professional staff, Committee on Government Operations, Ms. Maryanne Bach, minority technical consultant, Natural Resources, Agriculture Research and Environment (NRARE) Subcommittee of the Committee on Science and Technology, and Lester Brown, majority staff, EENR Subcommittee. At that meeting the minority staff claimed to have requested from Lester Brown (who was responsbile for running the hearings) a witness list for the hearing but were told by Mr. Brown that none was available. Ms. Bach is said to have asked that Representative Gregg be allowed to testify. This request was denied by Mr. Brown. The meeting was described as contentious. While neither confirming nor disputing what Mr. Clement had alleged, Lester Brown, in a 30-page statement submitted to the Committee (App. E, p. 249), stated that:

> * * * the political maneuverings that preceded the hearing of July 21 and 22, 1982 were contentious, and the hearings themselves were marked by acrimony on both procedural and substantive grounds. That acrimony set part of the stage for later developments regarding transcripts.

The hearings were conducted on July 21 and 22, 1982. The published record clearly reflects the Members' bickering and disagreement. Since the proceedings were held over a 2-day period and because the majority staff, EENR, wished to review prior testimony to prepare for later witnesses, a request apparently was made for 1-day service of the transcript of the July 21 hearing. Indeed, Chairman Brooks, in a letter dated July 22, 1982, expressed his appreciation to the Director of the Office of Official Reporters for excellent service and commended the Reporters' staff for the fine job of providing the complete transcript of the July 21 proceeding by 9:45 A.M. on July 22, 1982.

On the basis of other evidence the Committee has obtained, it further appears that the transcript of the July 22 proceeding was delivered on or about July 27, 1982. This conclusion rests on the fact that the EENR Subcommittee had requested "normal" (i.e., 5-day delivery) of the hearing transcript. (Apparently this request was later modified to a 1-day delivery for the first day's proceedings.) The Committee also determined that an original transcript and 17 copies of the 2 days of the hearing were sent to the EENR majority staff. The investigation has repeatedly tried, albeit unsuccessfully, to determine the disposition of each set of the transcripts. Only the original and 16 copies can be accounted for.

These 16 copies were apparently distributed for review and editing as follows:

Originals: retained by Becky Meadows, EENR
1–5: Becky Meadows kept in EENR Subcommittee file
6: Cathy Sands, Minority, Government Operations
7: Betty Eastman (Investigations and Oversight Subcommittee) file copy
8: Bob Nicholas, Science and Technology, Subcommittee on Investigations and Oversight
9: David Clement, Minority, Science and Technology
10 and 11: Betty Eastman (copies for press, public and congressional staffs to review)
12: Maryanne Bach, NRARE Subcommittee minority
13 and 14: Don Watt, Energy and Commerce Committee printing editor
15: Kim Moses, secretary, NRARE Subcommittee majority
16: Edith Holleman, EENR majority

The EENR Subcommittee Staff Director, Mr. John R. Galloway, played no direct role in running the hearing or editing the transcripts, having delegated all responsibilities for the hearing to Lester Brown.

At the time of and immediately after the hearing, the participating staffs understood that the Committee on Government Operations would be responsible for editing, processing, and printing the hearing record.

It was Becky Meadows' responsibility to send the transcripts to witnesses and other participating subcommittees, to receive corrected material from them, and to transfer all corrections and inserts onto an original, or "master" transcript. Ms. D. Ann Murphy, majority EENR staff, agreed with Lester Brown that she would edit Chairman Moffett's testimony of July 21, 1982. Brown assumed responsibility for editing the Chairman's testimony on the second day of the hearing.

In September, or early October 1982, John Galloway, EENR Staff Director, called Ms. Betty Eastman, secretary, Investigations and Oversight Subcommittee, Committee on Science and Technology, and said that while the Committee on Government Operations had a policy that its staff would prepare the record for all hearings for which it was responsible, the staff was very busy. Mr. Galloway asked whether the Committee on Science and Technology would prepare the record for printing. Ms. Eastman agreed to do so.

Ms. Eastman recalled that soon after her conversation with John Galloway, she received two envelopes from Ms. Meadows, EENR, apparently containing edited transcript materials from the Committee on Government Operations. Ms. Eastman further recalled Ms. Meadows stating that EENR was finished with its review and editing of the transcripts.

It was established that on or about October 13, 1982, Ms. Eastman sent all transcript materials to the GPO printers, Messrs. Robert and Anthony Antonelli, detailed to the Committee on Science and Technology. The Antonellis, however, did not immediately review or edit the transcript. The documents were placed on a shelf containing work to be done. When questioned, Robert and Anthony Antonelli did recall that the materials received from Ms. Eastman contained the Investigations and Oversight Subcommittee changes.

Sometime in late November or December 1982 (perhaps as late as December 20–21, 1982) Ms. Eastman received a call from Lester Brown. Brown informed her that the Committee on Government Operations' policy was that Government Operations should prepare the record for printing. Therefore, on approximately December 22, 1982, the transcripts were returned to EENR.

The entire package of transcript materials was sent by EENR to the GPO printers detailed to the Committee on Government Operations, Messrs. Angelo Vitto and William Swann, on January 11, 1983, for printing. This was verified by the log maintained by Messrs. Swann and Vitto regarding the hearing record (App. F.) Mr. Swann told the Committee that after reviewing the materials, he determined that the transcripts were not ready for the printing of galley proofs; that too many inserts were missing. Mr. Vitto told Mr. Swann to return the materials to Becky Meadows, which he did.

Upon receipt of the transcript package from Mr. Swann, EENR staff (Meadows and Brown) then talked with Ms. Bach, minority staff, NRARE Subcommittee, Committee on Science and Technology. Ms. Bach said she wished to review the transcript again. (See Mr. Brown's statement, App. E, pp. 255–256.) According to Ms. Meadows, Lester Brown apparently decided that the materials should also be sent to Ms. Kim Moses, Majority staff, NRARE Subcommittee.

Ms. Meadows told the Committee no changes to transcript testimony were offered by the Committee on Energy and Commerce; they only sent back corrections to the "cover" page. Meadows said that after the materials were sent back to Science and Technology in early January 1983, the NRARE Subcommittee on Science and Technology kept the transcripts for an undue period and, when asked, Ms. Moses said she had not finished her work. Ms. Meadows noted that Ms. Murphy's and Mr. Brown's changes to Chairman Moffett's remarks had been made before sending the materials back to the Science and Technology Subcommittee. Ms. Moses said that Lester Brown had told her he would send the "master" transcript. He also said that they should make their changes but that this would have to be done in 1 day. Ms. Moses objected, saying it was not possible or reasonable to expect her to edit the entire record in 1 day. She told Mr. Brown that if he went ahead with printing without her corrections, the NRARE Subcommittee would insist on reprinting the record.

Ms. Moses told investigators that she spoke with Ms. Bach and that Bach said neither she nor Cathy Sands, Minority staff at the Committee on Government Operations, had seen the master transcript. Ms. Moses said that when she informed Mr. Brown that neither she nor Ms. Bach had reviewed the master transcript, Mr. Brown had responded that Ms. Moses should add her changes to Ms. Bach's copy of the transcript to expedite the editing process. Ms. An Huang, an intern, was assigned to edit for Ms. Moses.

On March 4, 1983, Messrs. Swann and Vitto received (for the second time) the EPA hearing record for printing from EENR. The documents were received by GPO on March 8, 1983, for galley proof preparation. (App. G.)

On March 23, 1983, GPO returned to Swann and Vitto six copies of galley proofs for EENR identified as "Part A," the July 21, 1982, hearing. On March 26, 1983, the galley proofs for the second day (July 22) "Part B," were returned. (App. G.) In all, six copies of galley proofs of the 2-day hearing were returned to Messrs. Swann and Vitto. The copies were, in turn, distributed as follows:

1 copy—Anthony Antonelli—Science and Technology GPO printer
1 copy—Don Watt—Energy and Commerce printing editor
1 copy—John Moore, Government Operations, Staff Administrator
2 copies—Becky Meadows—EENR Subcommittee
1 copy—retained by Swann, designated "master" galley

The recipients (except for Mr. Moore) were to submit corrected galley proofs directly to Mr. Swann so that the master galley could be conformed.

The galley copy sent to Anthony Antonelli was, in turn, sent to Betty Eastman, Investigations and Oversight Subcommittee, Science and Technology. She returned her galley copy to the Antonellis within a week. Robert Antonelli recalled that the Investigations and Oversight galley had either few or no marks on it. This is consistent with Mr. Swann's statement that he did not recall any changes to the Science and Technology galleys.

Both Maryanne Bach and David Clement told investigators they neither saw nor received galley proofs. Ms. Eastman told the Committee her only editing of the galley proofs was to add the names of staff; she did not edit any testimony.

The Energy and Commerce galley proofs, according to Mr. Swann, were not edited. This was confirmed by Don Watt, Printing Editor, Energy and Commerce Committee.

As for the two EENR Subcommittee galley proof copies, Ms. Cathy Sands, Government Operations Committee minority staff, told investigators she never saw a copy of the galleys. Becky Meadows told investigators that only Lester Brown checked the galley proofs because he was familiar with the hearing and had made its original corrections. After Brown reviewed the galleys, he gave them back to her and they were sent to the printers. Meadows said that at no time had she edited the galley proofs.

The master galley proofs were returned to GPO on April 7, 1983. Messrs. Swann and Vitto next received from GPO six sets of page proofs of the hearing on April 13, 1983. These were distributed in the same manner as were the galley proofs. Mr. Swann received one set of Becky Meadows' page proofs on or about April 15, 1983, which contained only minor changes. The other committees sent their copies back sometime during the week of April 11, 1983. The Committees on Energy and Commerce and Science and Technology made no changes to their page proofs. The master page proofs were sent to GPO on April 18, 1983, for final printing. The printed copies of the final hearing record were delivered on May 2, 1983. Mr. Swann requested 700 copies to be distributed as follows:

350 to Government Operations
250 to Environment, Energy and Natural Resources
100 to Energy and Commerce

Anthony Antonelli independently requested 500 copies for the Committee on Science and Technology.

Becky Meadows told investigators that within a few days of receiving her copies of the printed record, she had discarded the master transcript and related materials. The Committee determined that the master transcript was, in fact, destroyed within 2 weeks of being picked up by the trash paper contractor.

It was established that Ms. Maryanne Bach, minority technical consultant, NRARE Subcommittee, Committee on Science and Technology, was responsible for editing the testimony of Representatives Winn, Carney, Gregg, Sensenbrenner, and Schneider. The Committee, in fact, obtained the very copy of the July 21, 1982, hearing transcript that Ms. Bach had edited (hereinafter referred to as the "Bach transcript"). The document had both ink and pencil changes to testimony and a note on the cover to Lester Brown from Ms. Bach. Ms. Bach confirmed that she had indeed made the ink changes. Ms. Bach stated that she had also stapled to the transcript a statement for Representative Carney to be inserted in the record. The transcript also contained minor pencil editing. Investigators interviewed Ms. An Huang, former congressional intern, who worked with Ms. Kim Moses, majority staff, NRARE Subcommittee, Committee on Science and Technology. Ms. Huang confirmed that she had made the pencil editing changes appearing in the Bach transcript.

All editing changes appearing in the Bach transcript were compared to the final print. This comparison, which appears in Appendix H, established that a total of 107 changes had been made to the Bach transcript. Of these, 71 changes were routine; i.e., changes were made for typographical errors, punctuation, grammar, etc. The remaining 36 changes were substantive. None of the 36 substantive editing changes appeared in the final record.

The Committee then set out to determine why all the substantive changes in the Bach transcript had apparently been disregarded. At this point investigators had obtained from the EENR Subcommittee a box containing logs and phone messages prepared or received by Lester Brown. In particular, one message indicated that Mr. Brown had received a telephone call at 10:45 (A.M. or P.M. not specified) from "Kim" on or about March 10 (year not specified). The message read: "Did you pick up the EPA transcript of [sic] their desk?"

During her interview, Ms. Kim Moses recalled having a meeting in her office on or about March 10 or 11, 1983, which Mr. Brown attended. Ms. Moses stated that, at that time, she remembered Ms. Huang had been assigned to review the EPA transcripts and make minor editing changes and that the copy Ms. Huang was reviewing had been first edited by Maryanne Bach. Ms. Moses stated that the copy Ms. Huang was reviewing was on top of Ms. Huang's desk near the NRARE Subcommittee office door. After the meeting with Mr. Brown, sometime late that day, Ms. Moses asked Ms. Huang for the transcript but they could not find it.

Kim Moses then called Lester Brown's office and talked to Becky Meadows. Ms. Meadows left the phone message quoted above.

Kim Moses stated that the next conversation she had regarding the missing transcript was with Lester Brown at a meeting on or about March 14, 1983. Mr. Brown informed Ms. Moses he had taken the transcript off the desk so that he could have the printing of the galley proofs done. (Ms. Bach told the Committee that she had written a note to Lester Brown on the cover of the transcript stating that she had edited the remarks of Representatives Gregg, Schneider, Carney, Winn, and Sensenbrenner. Mr. Brown later told the Committee he had probably picked up the transcript because he saw Bach's note to him on the cover and believed the transcript was ready for printing.) Ms. Moses responded that they had not finished editing. Brown replied they could do so at the galley or page proof stage. However, during questioning, Ms. Moses said she never saw the galley or page proofs.

As noted earlier, the GPO printers detailed to the Committee on Government Operations received the master transcript from the EENR Subcommittee on March 4, 1983, with instructions to prepare galley proofs. It thus appears that when Lester Brown took the Bach transcript on March 10 or 11, 1983, he must have or should have known the editing changes of Bach could not have been incorporated into the master transcript because it had already been sent to Messrs. Swann and Vitto for printing. It must be concluded that Brown misrepresented the need for the transcript (it was allegedly "needed for printing") to Ms. Moses when he took it almost 1 week *after* sending the master transcript package to the GPO printers.

3. THEORIES AS TO SOURCE OF IMPROPER ALTERATIONS

Investigators explored several theories as to the source(s) of the improper alterations. Through analyzing the facts described above, they eliminated all but one theory: That the improper alterations were made by one or more staff at the EENR Subcommittee. A brief explanation follows.

a. Alterations by reporters or transcribers

Had either the reporters or transcribers made improper alterations, the original transcript of the hearings would have attributed to certain Members the statements or remarks which precipitated the instant controversy. Review of the transcript established that this was not the case.

b. Alterations by GPO printer personnel

The Committee's review of the GPO printing process established that prior to issuing galley and page proofs, materials are proofed and reviewed by various personnel described as proofers, readers, and reviewers. The Committee is satisfied that had improprieties been detected while the documents were at GPO, they would have been identified and corrected before the return of galley and page proofs to the committee staff. There was absolutely no evidence of improper alterations by the GPO staff who handled the transcripts or galley or page proofs.

c. Alterations by staff of Energy and Commerce Committee

The investigation clearly established that the staff of the Committee on Energy and Commerce did not offer any changes to the transcript or galley or page proofs which affected either testimony or remarks of Members or witnesses.

d. Alterations by staff of Science and Technology Committee

Two critical facts led to the conclusion that the Science and Technology staff did not make improper alterations. First, the Committee established the apparent disregard of the editing contained in the Bach transcript of the July 21, 1982, proceeding. This suggested that since both majority and minority (Ms. Bach and Ms. Huang) staff editing changes were not used, the alterations came from one not associated with that committee.

Second, had the improper changes been made by Science and Technology staff, there would have been ample opportunity for detection since the master transcript was handled by EENR Subcommittee staff after Science and Technology staff made corrections. In other words, the fact that Science and Technology staff was not the very last group to handle or review the transcripts indicated that the improper alterations were probably made by those staff members who had final control over the documents. In addition, the Committee concluded that no improper alterations were made from July through December since the transcripts had been sent by the EENR staff to the Committee on Science and Technology (the latter had accepted printing responsibility as a result of the Galloway-Eastman conversation).

e. Alterations by staff of EENR

Having eliminated the reporters and transcribers, the staff of the Committee on Science and Technology and Energy and Commerce Committee and GPO personnel, it was logical to assume, for the purposes of the investigation, that the source of the improper alterations was the EENR Subcommittee staff. This assumption was based on the knowledge that: the EENR Subcommittee was the final stop before the so-called "master" transcript was sent for printing; Lester Brown reviewed the galley proofs in their entirety; several staff members recalled having specifically brought to his attention the matter of certain inserts for the record—inserts not included in the final printed document; and Mr. Brown took the Bach transcript from Science and Technology NRARE Subcommittee office on or about March 10, 1983, purportedly to include the editing contained therein—almost 1 week after the master transcript was sent (March 4, 1983) for printing of galley proofs.

In this light investigators interviewed and reinterviewed certain EENR Subcommittee staff. Based upon these interviews, they concluded that Ms. Meadows, whose responsibility it was to "post," i.e., enter changes onto a master transcript, did not make improper alterations. She exercised no independent editing responsibility and performed only the ministerial task of incorporating changes from other sources onto one unified ("master") transcript. Significantly, she was not the last to handle the transcript or galley and page proofs for the EENR subcommittee; Lester Brown did that.

So too was Ms. Cathy Sands eliminated, but for a different reason. Since she was on the Government Operations Committee minority staff, she was not in a position to handle the documents without subsequent review—a role of the majority staff. And Ms. Sands never saw galley or page proofs. As discussed earlier, improper alterations were made to the galley proofs.

This left Ms. D. Ann Murphy and Lester Brown. As for Ms. Murphy, it was established that she edited Chairman Moffett's remarks during the first day's proceedings, July 21, 1982. However, as in the case of Ms. Meadows, Ms. Murphy was not the last to handle the transcripts or galley and page proofs—Mr. Brown was.

Mr. William Swann, a GPO printer detailed to the Committee on Government Operations, stated under oath that certain improper alterations to the galley proofs came from the EENR Subcommittee staff. Based upon the known facts the only individual who logically could have made the changes was Lester Brown. Mr. Brown was then intensively questioned on the matter. Below are part of Mr. Swann's deposition and salient extracts of Mr. Brown's sworn deposition.

During the deposition of William Swann, the following exchange occurred:

> Q. Now, let me show you a page on the second day's July 22, 1982, proceedings. It is noted as "Part B Galley, page 3." And what I am specifically pointing to are some changes at the bottom of the page under comments offered by Mr. Hiler. Do you recognize the handwriting?
>
> A. Yes sir, it is mine.
>
> Q. It is your handwriting. Specifically what I am referring to is a change to the galley proof where the word "majority" is changed to the word "minority" on two occasions. Is that your handwriting where those changes are made?
>
> A. Yes.
>
> Q. Do you recall the particular subcommittee recipient which recommended those changes be made?
>
> A. That came from the Environment and Energy Subcommittee.
>
> Q. Of the Committee on Government Operations?
>
> A. Yes.
>
> Q. You are sure of that.
>
> A. Yes, sir.

> Q. Okay. I would also like to show you on page 5 of Part B Galley, the second day's proceedings, a change to Mr. Winn's comment, where the word "true" is scratched out. Do you recognize or can you identify through the markings whether you or somebody else made that cross out?
>
> A. Can I pick it up?
>
> Q. Sure.
>
> A. It doesn't look like my writing, but it could be. Could very well be. We take the corrections off of there—the subcommittees' set of galleys, and transfer it to our set, to the master set. If they have marked out on theirs, we just mark it on ours.
>
> Q. Would you recall the particular galley editors which offered that change to Mr. Winn's comment? In other words, do you recall which subcommittee or committee suggested the deletion of the word "true"?
>
> A. That would be the Environment and Energy Subcommittee.
>
> Q. And you are sure of that also.
>
> A. The other two committees, we got theirs, and the only changes they corrected were like the members and the staff people that were at the hearing.
>
> Q. Okay. Thank, you.
>
> A. We went through it. I don't remember any marks throughout the testimony of the hearing that they had.
>
> Q. Am I correct in understanding you to say that you don't recall any changes offered to the galleys from either the Committee on Science and Technology or the Committee on Energy and Commerce?
>
> A. I can't recall any.

Mr. Brown was deposed as follows:

> Q. Do you recall having brought the [Bach] transcript back [to your office]?
>
> A. . . . I may indeed have brought the transcript back.

As noted, the transcript analysis (App. D) disclosed improper alterations to not only the transcripts but also to the galley proofs. The Committee interviewed and deposed Lester Brown on the matter of transcript/galley improper alterations. An extract of Brown's deposition follows:

> Q. Do you recall, in fact, having made any changes to the galley . . . that would be of concern to this Committee, namely improper alterations?

* * * * *

> A. I think the answer would be yes.
>
> Q. What type of instrument did you use in making alterations, both authorized and improper to either the transcripts or galleys of those 1982 hearings?
>
> A. Well, it really did depend on the time. I used several different instruments. I used pen, I used pencil. I would sometimes use, in many cases, black pencil. I might use

> red pencil, but I could not tell you exactly through the entire process if I used the same instrument or not.
>
> Q. But the alterations that you made of both characters, authorized and improper, may have been pen, and pencil, black, red?
>
> A. That is correct.
>
> Q. Do you recall if you wrote or printed the changes or if you preferred one particular type of instrument?
>
> A. My general practice was to print.

As noted, Mr. Brown submitted to the Committee a 30-page detailed statement (App. E) as part of his deposition. A careful reading of the document, coupled with certain portions of his deposition, quoted above, established with reasonable certainty that Mr. Brown was the sole author of all the improper alterations in the 1982 EPA hearing record. On August 23, 1983, Mr. Brown, during a second deposition provided a 2-page statement summarizing the essence of his prior testimony and 30-page statement. (App. I.) Specifically, in his letter of August 23, 1983, Mr. Brown stated:

> I made numerous changes on the transcripts before they went to the printer for the final time, including changes to remarks of Members of the House that, whatever their nature, were unauthorized in that no senior staff member of any committee or subcommittee and no Member of the House had explicitly authorized me to make the changes.

Reading the two statements and depositions together leads to the conclusion that Mr. Brown made and has admitted to making the improper alterations complained of. Further, no evidence of conspiracy or "coverup" by responsible staff was determined to exist.

One can only speculate as to why Mr. Brown made the improper alterations; they apparently resulted from his emotional stress (he may have made changes "cavalierly" or "jokingly," see App. E, p. 227) caused by an uncooperative or antagonistic atmosphere during the hearing and posthearing period. Also, Lester Brown was the lead EENR Subcommittee investigator in the EPA hearings, and apparently after the hearings all responsibility for preparing the final record was given to him.

4. CONCLUSIONS

The Committee is satisfied, on the basis of a review of available evidence and depositions, that Lester O. Brown was solely responsible for authoring numerous improper alterations to the 1982 EPA hearing record. He and others were interviewed to determine if any evidence existed suggesting a conspiracy in making the changes or a coverup after the improper alterations were identified. No such evidence exists.

The Committee's analysis of the procedures for editing the transcript (and related materials) discloses:

A. A clear lack of coordination between the participating subcommittees, perhaps due to territorial in-fighting or overlapping subcommittee jurisdiction.

B. A clear absence of harmony between majority and minority staff. The extent to which such acrimony (also reflected in the Members' testimony) precipitated or served as a catalyst for improper alterations cannot be determined.

C. Numerous individuals, on both majority and minority staffs, had multiple opportunities to review the materials before publication. The Committee believes that had certain staff more conscientiously carried out assigned tasks, most, if not all, of the egregious improper alterations would have and could have been detected before final publication. In this regard, a number of staff indicated that they had not reviewed the transcript or galley materials entrusted to them. The Committee believes the clear absence of more diligent staff work, while not the cause of the controversy, allowed the improper alterations to become a part of the final record.

D. There was apparently little, if any, control over the many copies of the transcript. One copy, to this date, remains unaccounted for. Other copies were admittedly lost or misplaced. In summary, too many copies were distributed and reviewed with apparently no method to determine the reviewer or authority for editing.

E. In light of the evidence and the sworn admission of Lester Brown, the Committee concludes that a hearing on the EPA matter is not necessary. Indeed, the Committee has determined with reasonable certainty that Mr. Brown was solely responsible for all the improper alterations complained of. Also, Mr. Brown is, and has for some time, been receiving professional psychological and psychiatric care. The Committee obtained a psychiatric evaluation of Mr. Brown indicating that while he was competent to provide information under oath to the Committee (which he did), he is suffering severe emotional stress. (See App. J.) Under the circumstances, a hearing on the EPA matter would be both unnecessary in light of the evidence and imprudent given his physical and emotional condition. (See also App. K.)

5. RECOMMENDATION

In view of the fact that Mr. Brown was terminated from his employment with the Committee on Government Operations by Committee Chairman Brooks, no further action by the House appears necessary.

However, because numerous improper alterations are contained in the printed record of the July 21 and 22, 1982, hearing, a corrected record needs to be published. The Committee thus recommends that the record be reviewed, re-edited, and republished so that an accurate reflection of the proceedings is available to interested parties.

The Committee is willing to make available to the appropriate Justice Department officials such information and documentation regarding this case as may be appropriate for their investigation of possible criminal activity in a manner consistent with the Rules of the House and the need to protect the House of Representatives under the Speech or Debate clause of the Constitution.

B. CATEGORY II—PERMITTED ALTERATIONS

The investigation disclosed several accepted and permitted ways in which alterations are made to House documents. These changes include those made by:

Reporters when preparing transcripts ("systemic" changes)
Authorized error corrections
Authorized revisions to legislation

The Committee's discussion of the findings made with respect to so-called Category II alterations is organized to reflect each major type of authorized alteration.

1. REVISIONS TO THE RECORD CAUSED BY ESTABLISHED OR POSSIBLE "REPORTER EDITING"

a. June 9, 1982, hearing regarding the synthetic fuels industry

During his June 28, 1983, speech on the House floor, Representative Judd Gregg stated:

> On top of this, specific hearings which many of us last week talked about on this floor, which we had hoped was a single incident [1982 EPA hearings] and one which just was an aberration of the system, we now discover that other transcripts from other hearings have been altered in material and substantive ways. Again, the Government Operations Committee, Subcommittee on Energy, Environment and Natural Resources, while holding a hearing under Congressman Moffett, this hearing involving the Synthetic Fuels Corporation, it now appears, although we have not been able to get access to the original documentation but we think we have enough access to be fairly confident, that the transcript was doctored. (Cong. Rec. daily ed., June 28, 1983, H 4509.)

Mr. Gregg's statements followed by 1 day a front page article in the Washington Times (June 27, 1983, edition) which stated, in part:

> Now, according to [Representative] Gregg there had been a complaint about altered testimony at another hearing on synthetic fuels policy held by the same panel last July.
>
> Gregg said his knowledge of the complaint was sketchy because the staff has only begun to do a complete investigation, but he added, "It's my understanding that a witness at the hearing came to the staff with a complaint that his testimony had been changed."

Results of investigation

On approximately June 23, 1983, Mr. Victor Schroeder, then President and Chief Executive Officer of the United States Synthetic Fuels Corporation, met with Representative Winn in Winn's congressional office. Representative Winn told investigators that during the meeting Mr. Schroeder gave him a copy of the printed record of a June 9, 1982, hearing conducted by Representative Moffett, Chairman, Subcommittee on Environment, Energy, and Natural Resources (EENR). The hearing was a review of the synthetic fuels industry in the current economic climate.

Mr. Schroeder told Representative Winn that portions of the hearing copy were marked to identify unauthorized changes to the testimony of Mr. Edward E. Noble, Chairman, United States Synthetic Fuels Corporation. After the meeting, Representative Winn called Mr. David Jeffrey, minority counsel, Committee on Science and Technology, Mr. Jeffrey took the hearing copy and, in turn, gave it to Representative John Hiler in compliance with Representative Winn's direction that Hiler be apprised of the matter since Hiler had participated in the hearings.

Investigators spoke with Representative Hiler. The Congressman stated that he had very quickly looked at the document and had called Mr. Jack Shaw, minority professional staff, Committee on Government Operations. Mr. Hiler recalled that his initial reaction to the marked changes (he assumed the document reflected differences between the original transcript and the final print) was that they did not approach the situation presented in the EPA hearing matter.

Mr. Shaw was then interviewed. Shaw said that, overall, the marked portions did not indicate "horrendous changes." Mr. Shaw subsequently gave the Committee the hearing record originally given to Representative Winn.

The Committee then interviewed Mr. Schroeder and other officials of the corporation. The officials pointed out that, besides a number of discrepancies between the transcript and the printed hearing, the printed record reflected that the hearing was being chaired by Representative Barney Frank at its conclusion when, in fact, no member of the EENR Subcommittee was present. The corporation representatives stated the hearing had actually been closed by the subcommittee staff director, Mr. John R. Galloway.

In this regard, the Committee was told by Mr. Gary Knight, a corporation official, that he had informed Ms. Catherine Sands, who was at the time a minority professional staff member of the Committee on Government Operations, that he intended to "pull" the Synthetic Fuels Corporation witnesses from further testimony unless the situation (absence of Members) was rectified. Mr. Knight's concern stemmed from the fact that he felt Ms. Edith Holleman, a majority professional staff member on the EENR Subcommittee, was acting in a contentious manner to the corporation's witnesses. Ms. Holleman was characterized as running the hearing during the absence of the Members.

The corporation officials gave the Committee a copy of the edited transcript (Apps. L, M, N, and O) which the corporation returned to the EENR subcommittee staff and a voice tape recording of the hearing. (The corporation had recorded its appearance at the hearing.) The officials also provided a second annotated final print of the hearing which noted additional "discrepancies" in testimony that did not appear on the original copy that Mr. Schroeder had given to Mr. Winn.

Corporation staff stated that they had not been shown and had not received any galleys or page proofs of the hearings; their last involvement was in editing the transcript.

When the final print of the proceeding was sent to the United States Synthetic Fuels Corporation, the corporation staff noticed some discrepancies in the printed testimony. The matter was brought to Mr. Schroeder's attention. Mr. Schroeder soon thereafter gave the marked final print to Mr. Winn.

In view of the nature of many of the identified discrepancies, the Committee asked that the corporation state its official position regarding whether improper alterations had been made to the transcript. By letter dated August 24, 1983, Mr. Schroeder stated that, "Out of approximately 19 differences between the verbatim transcript and the final printed version most are inconsequential." The Schroeder letter (App. P) went on to point out what the corporation believed were five "significant" differences between the original transcript and the printed record.

The differences identified were:

1-2. Rejection of certain of the corporation's proposed editing of Mr. Noble's remarks. Specifically, Mr. Noble's edited transcript indicated he wished to add the words "very seriously" and "environmental" to lines 1782-1783 of page 74 of the transcript. (App. L.)

3. Rejection of a proposed correction to page 69 of the transcript, lines 1651-2, with respect to a speaker. (App. M.)

4. Rejection of the proposed editing of lines 1345-1347 of page 56 of the transcript. (App. N.)

5. Rejection of proposed editing as to who closed the hearing (transcript pp. 84-85, lines 2015-2019). (App O.)

After comparing the transcript with the printed record and the corporation's tape of the hearing, the Committee found that none of the five listed differences involved changes to the prepared transcript, galley, or page proofs. In all cases, the final printed record reflected what the transcript said. The Committee determined, however, that all the discrepancies were actually differences between the tape recording of the hearing and the transcripts provided by the reporter. Specifically, in each of these five instances, the corporation proposed to conform the transcripts to the dialog contained in the tape recording. It thus appears that Mr. Schroeder's letter complains not of alterations of the transcript, but rather rejection of the corporation's proposed correcting thereof. In this regard, the EENR staff did not have the tape recording but instead relied upon the transcript as accurately reflecting the proceeding.[5]

With this in mind, the Committee asked about the guidelines which the EENR subcommittee (and the Committee on Government Operations) used regarding proposed editing by witnesses. The Committee determined that, except when it was proposed to change meaning (absent an obvious mistake) or extensively edit testimony (either of which would be considered inappropriate), it was left to the judgment of the staff whether to accept proposed editing.

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[5] As discussed in Section VI, it is the policy and practice of reporters to correct grammar, syntax, and obvious errors in preparing transcripts. The Committee's review of the transcript and tape of the June 9, 1982, synthetic fuels hearing clearly establishes that not only was "smoothing" of comments done in transcript preparation but also errors were made, at least with respect to the five discrepancies noted by the corporation. (Apps. L, M, N, and O.) The fact that this "smoothing" practice is not error-free was discussed in Section VI as one way in which the record of a proceeding can be affected. The Committee emphasizes that in the instant case, the EENR staff did not have the corporation tape to contradict the assumed accuracy of the transcript.

In the case of the subject hearing, Ms. Edith Holleman was responsible for preparing the transcript and for the final hearing record. Ms. Holleman was interviewed by the Committee. She stated that, in her judgment, certain proposed changes were unacceptable because they affected the emphasis or thrust of Mr. Noble's statements. Indeed, Mr. Schroeder's August 24, 1983, letter (App. P) stated that the "most important alteration which significantly affects the meaning of Chairman Noble's remarks came on p. 94." As noted, no alteration to the transcript was made; instead a corporation-proposed correction was rejected—one which even in Mr. Schroeder's view "significantly" affected meaning. So too did Mr. Schroeder state that the discrepancies on p. 137 (App. P, para. 1) rendered the tone of Mr. Noble's testimony "significantly diminished."

In light of the above, the Committee concludes that no improper alteration of the subject comments exists and that the rejection of the editing (i.e., corrections) was the result of adhering to established guidelines since the staff did not have the tape recording to contradict the accuracy of the transcript and, therefore, regarded the proposed editing as excessive.

As to the rejection of the proposed correction of the speaker on page 133 of the printed record, i.e., page 69 of the transcript (App. M), the Committee reviewed the voice tape of the hearing and the transcript. The tape establishes that there was indeed an error in the transcript on the cited page as stated in the Schroeder letter and that the corporation's proposed editing would have corrected the matter. However, Ms. Holleman (i.e., the EENR staff) did not have the voice tape of the hearing and, therefore, apparently relied upon the transcript as an accurate reflection of what transpired. It does not appear unreasonable that Ms. Holleman rejected the proposed correction as being inappropriate; that is, the addition of lines of testimony not reflected in the record and the correction of a purported speaker. While, of course, it could be argued that a reading of the transcript suggests an error was made with respect to the speaker (Noble versus Holleman), it cannot be said that the absence of Mr. Noble's question: "What time frame was that?" should have been apparent.

The Committee therefore concludes that the rejected correction to page 133 of the record does not represent an improper alteration—but rather a decision not to alter the transcript of the hearing where an error evidently not apparent to the committee was made.

Finally, as to the identity of the individual who closed the hearing, Mr. Schroeder's letter correctly pointed out that the Subcommittee staff director, Mr. John Galloway, had done so, not Representative Frank, as indicated in the printed record. Mr. Galloway confirmed this to the Committee after listening to the voice tape. The transcript inaccurately reflected Representative Frank's presence at the end of the hearing.

There are apparently two independent and consistent explanations for the record indicating Mr. Frank's closing of the hearing.

First, of course, since the transcript so indicated, it is not per se unreasonable that the EENR staff rejected the correction in the corporation's edited transcript since it did not have the voice tape to contradict the accuracy of the transcript.

Second, apparently an understandable error was made by the hearing reporter. During Mr. Galloway's interview on this issue, he stated that at the end of the hearing, he was sitting at or near Representative Frank's seat on the dais. While so seated he took a call from Chairman Moffett, who was on the floor for a vote. Chairman Moffett told Mr. Galloway that he and the other subcommittee Members would not be returning in time to continue the hearing. Mr. Galloway said he probably so notified the hearing participants and when he did so, was incorrectly identified as Representative Frank due to his proximity to Representative Frank's nameplate at the dais.

In light of the above circumstances, the Committee concludes no improper alteration was made regarding Representative Frank's presence. No view is expressed as to whether a breach of protocol or parliamentary or subcommittee rules was made by virtue of the absence of any Members at the conclusion of the hearing.

On September 14, 1983, Mr. Edward Noble, the Chairman of the United States Synthetic Fuels Corporation, supplemented Mr. Schroeder's earlier letter to the Committee. (App. Q.) Chairman Noble's correspondence sets out from his perspective, how the differences between the corporation's tape and the hearing transcript were identified and what was done.

Significantly, Mr. Noble stated:

> My staff, in making its contemporaneous review of the transcript, recommended that the draft be changed to reflect the differences on the tape. They evidently concluded, however, that no further action was warranted beyond calling these changes to the attention of those responsible for the transcript and none was taken following publication of the official transcript.

The Committee infers from the quoted portion of the letter that neither Mr. Noble nor his staff regarded the differences between the tape and transcript as being so serious that further action was required. The Committee also points out that the chairman, in his response to his interrogatory, did not state that he viewed the differences as being improper alterations to his testimony, but rather, an apparent decision by congressional staff not to incorporate the proposed corrections.

Conclusion

The Committee concludes that no improper alterations were made by committee staff in the subject hearing record.

The Committee does note however, that the transcript of the hearing was flawed in at least the instances cited by the corporation. The committee believes that the situation involved in this allegation points up the hazards presented by the practice of a reporter-edited transcript coupled with the committee staff's inability (here, the absence of a tape recording) to verify the accuracy of the transcript.

b. *April 15, 1980, hearings regarding silver prices and the adequacy of Federal actions in the marketplace, 1979–1980*

Background

On June 27, 1983, the Washington Times carried a front page article entitled, "Two More Cases reported of Hill Record-altering." The article stated, in part:

> Committee [Government Operations] sources also said they have been finding alterations in another set of hearings from another subcommittee of Government Operations, Commerce, Consumer, and Monetary Affairs.
>
> Those sessions made national news back in 1980, concerning efforts by the very wealthy Hunt family of Dallas to corner the silver market.
>
> Those sources said a preliminary check of the original transcripts of those sessions against the final document showed serious changes in the testimony.

On June 28, 1983, Rep. Judd Gregg stated on the House floor.

> Another situation on another subcommittee of the Government Operations Committee, Subcommittee on Monetary and Consumer Affairs in a hearing involving the silver issue which were [sic] raised back in 1980, it now appears, *and we have definite documentation that those transcripts were drastically altered* in relationship to one of the testimonies of one of the people brought up here from the Executive branch to testify before that committee, that committee was chaired by the late Benjamin Rosenthal. (Cong. Rec., daily ed., June 28, 1983 H 4509.) (Emphasis supplied.) (See also id. H 4514.)

The same day that Mr. Gregg spoke, Subcommittee Chairman Doug Barnard, Jr., wrote to Representative John Hiler (in response to a June 14, 1983, letter from Hiler) asking that he be given the specifics of the silver hearing allegation. The Chairman's letter also indicated that a duplicate set of the original transcript of the silver hearings was available for Members' personal review in the full Committee offices. (App. R.)

Also on June 28, 1983, Representatives Winn, Walker, Carney, Sensenbrenner, Gregg, Hiler, and Schneider sent to the Members a "Dear Colleague" letter (App. S) which stated, in part:

> Our own investigations, although incomplete, have now discovered further alterations of transcripts beyond the two days of EPA hearings.

By letter dated July 12, 1983, Representative Hiler responded to Chairman Barnard's earlier request for the specifics of the allegation. (App. T.) The letter stated that the allegation centered on the testimony of then Commissioner Read P. Dunn of the Commodity Futures Trading Commission.

Also on July 12, 1983, Chairman Jack Brooks of the Committee on Government Operations wrote to Representative Gregg requesting the specifics underlying his allegation. In his letter (App. U), Chairman Brooks stated he too believed one of Mr. Gregg's allegations of improper alterations concerned a colloquy between Chairman Rosenthal and Commodity Futures Trading Commission Commissioner, Mr. Read Dunn, appearing on page 155 of the printed record of an April 15, 1980, hearing on the silver market. A similar letter was sent to Representative Winn on July 12, 1983. (App. V.)

The specific hearing record Chairman Brooks referred to is entitled, "Silver Prices and the Adequacy of Federal Actions in the Market Place, 1979–1980." As noted, the specific hearing conducted by the Subcommittee on Commerce, Consumer, and Monetary Affairs, Committee on Government Operations, was held on April 15, 1980. To the Committee's knowledge, Representatives Hiler, Winn and Gregg did not dispute Chairman Brooks' or Subcommittee Chairman Barnard's identification of the specifically alleged improper alteration. Furthermore, no other allegation of improper alteration was raised with respect to any other part of the hearing.

On July 14, 1983, Mr. Gregg responded by letter (App. W) saying that the information he had was going to be turned over to the Committee on Standards of Official Conduct.

Results of investigation

The investigation has established that the basis for Representative Gregg's floor statement was, in fact, page 155 of the cited hearing record. It also has been established that the allegation is based upon differences between page 155 of the printed hearing and an April 21, 1980, editorial in Barron's. An extract of the relevant portion of the editorial appears in Appendix X.

The Committee has analyzed the transcript of the hearing. That portion of the transcript which became page 155 of the printed record appears in Appendix Y. The text of page 155 is reproduced in Appendix Z. As can be readily seen, the transcript and printed record are virtually identical except for what can be termed minor editorial changes.

The Committee has obtained from Barron's editorial staff the document described as the basis for the magazine's editorial of April 21, 1980. (App. AA.) This document contains both a summary and reputed dialog between the hearing participants. However, the document omits large portions of the transcripted testimony and consistently appears to represent a recapitulation of what transpired as opposed to a direct quote of the witness' exchange with the subcommittee.

The Committee interviewed Mr. Jack Shaw, minority professional staff, Committee on Government Operations. Mr. Shaw stated that he had given Representative Gregg the information resulting in Representative Gregg's allegation concerning the silver hearings. Mr. Shaw, however, also stated that neither he nor Representative Gregg had reviewed the transcript of the April 15, 1980, hearing before Representative Gregg's June 28, 1983, statement. Mr. Shaw noted that, at the time, he was aware only of the discrepancy between the Barron's editorial and the printed record and that he had no information about the accuracy of the remainder of the record. Mr. Shaw stated the Barron's editorial was consistent with his recollection of the colloquy.

The Committee also interviewed Mr. Read P. Dunn, former Commissioner, Commodity Futures Trading Commission, whose testimony, along with that of Chairman Rosenthal, is alleged to have been improperly altered. Mr. Dunn stated that he is not of the view that the Barron's editorial is a verbatim record of the hearing, but rather a summary. Mr. Dunn recalled reviewing and editing the transcript and seeing the final printed record. He remembered (1) having made minor transcript changes, (2) not believing that the transcript was inaccurate and, (3) not concluding the final record was inaccurate or improperly edited.

Mr. Dunn reviewed the printed record, original transcript, and Barron's document with Committee investigators. On the basis of his review, the former Commissioner concluded that he saw no basis for contending that the record was improperly altered. Mr. Dunn's sworn statement is reprinted in Appendix BB.

The Committee points out that, as discussed in Section VI of this report, various in-house and contract reporters adopt a practice of correcting grammar, syntax, and misleading statements in the preparation of transcripts. Thus, it may be in the case of the April 15, 1980, silver hearing that the reporter "smoothed" the testimony and by so doing used different words while retaining the substance of the colloquy. There was, however, at the time of this investigation no voice tape of the hearing to contradict the accuracy of the transcript. The Committee, therefore, relied upon and assumed the accuracy of the transcript (especially in view of Mr. Dunn's statement) in investigating the allegation and in reaching its conclusions.

Conclusion

The Committee is unaware of any support for the allegation that improper alterations were made to the subject hearing record.

Representative Gregg's interrogatory to which he and other Members responded as part of the investigation, did not indicate that he had information on this allegation of improper alteration. This matter was brought to his attention during a conversation with the Committee on September 21, 1983. At that time he described his June 28, 1983, floor statement, concerning the silver hearing allegation as "hyperbole."

Recommendations—reporter-editing

Because reporter-editing is neither a widely known practice nor error free and was the basis of the allegation regarding the June 9, 1982, synthetic fuels hearing and perhaps the April 15, 1980, silver hearing, the Committee recommends that:

1. Acceptance of reporter-edited or literal verbatim transcripts be an express decision of committees.
2. Voice tapes (or other methods) be retained for all hearings to ascertain the accuracy of verbatim and reported-edited transcripts.

2. REVISIONS DUE TO AUTHORIZED ERROR CORRECTION NOVEMBER 23, 1982, HEARING ON UNDERCOVER ACTIVITIES OF THE FEDERAL BUREAU OF INVESTIGATION (FBI)

Another allegation of an improper alteration to an official House document concerns a hearing held on November 23, 1982, by the Subcommittee on Civil and Constitutional Rights of the House

Committee on the Judiciary. This matter was brought up in remarks on the floor by Representative Manuel Lujan, Jr. on July 13, 1983. (See Cong. Rec., daily ed., July 13, 1983, H 5068.) (App. CC.)

Representative Lujan stated that during this hearing the Subcommittee Chairman, Representative Don Edwards, discussed information he had received from the Department of Justice on certain Assistant U.S. Attorneys. Representative Lujan observed that a comparison of the transcript of Chairman Edward's comments and the published hearing record revealed that 19 lines of significant material had been reduced to 5 lines and that this allegation resulted in the omission of Chairman Edward's criticism of a particular office in the Department of Justice. Mr. Lujan observed that the printed record lacked even what the news accounts had reported during that hearing.

On July 14, 1983, Chairman Edwards responded to Mr. Lujan's comments of the prior day (App. DD, Cong. Rec., daily ed., July 14, 1983, H 5140.) Representative Edwards stated that he had, in fact, edited the 19 lines in question. He noted that the hearings concerned FBI undercover activities and while preparing for this hearing, his staff had been apprised of certain internal investigations by the Office of Professional Responsibility (OPR) of the Department of Justice. Chairman Edwards said that OPR had briefed the staff on the specifics of some of the investigations on the condition that the information be held in confidence. During the hearing, Representative Edwards was provided written information by his staff to use during the proceedings. Unknown to him, this information contained details gleaned from the confidential briefing.

Representative Edwards said he unknowingly used this information and only subsequently learned of his unintended breach of confidence. Representative Edwards stated that he had apologized to an OPR official and had edited his statement in an effort to protect the details of the confidential briefing.

Conclusion

The Committee is not aware of any evidence, except for the instance referred to by Representative Lujan, suggesting an improper alteration to the record. The Committee concludes that this allegation does not involve an improper alteration. The Committee, however, offers no conclusion as to whether the extent of Representative Edwards' editing of his *own* statement to correct the error in disclosure was appropriate, although it is reasonable that deletion of unintended breaches of confidence should not be regarded as an abuse of editing discretion.

3. AUTHORIZED REVISIONS TO IMPLEMENT COMMITTEE ACTION

a. April 20, 1983, legislative action by the Committee on Education and Labor

On July 12, 1983, Representative John Erlenborn testified before the Committee on Rules that in his judgment,

> a 67-word amendment * * * grew to 386 words between the time it was ordered reported from the Education and

> Labor Committee and the time it was printed. (See Cong. Rec., daily ed., July 19, 1983, H 5242.)

The situation precipitating Representative Erlenborn's remarks and his allegation of improper alteration are set forth below.

On April 20, 1983, the Committee on Education and Labor considered H.R. 2461, the Rehabilitation Act Amendments of 1983. During the markup session, the Committee Chairman, Representative Carl Perkins, offered an amendment affecting certain program authorizations. His amendment was intended to increase particular program authorizations to the target levels contained in the first budget resolution for fiscal year 1984 (H. Con. Res. 91) as passed by the House. A chart entitled, "Comparison of the Authorization Ceilings Contained in the Omnibus Budget Reconciliation Act of 1981 for fiscal year 1984 with The Assumptions in The First Budget Resolution As Passed By The House," was provided to every committee Member during the consideration of the amendment.[6] The Chart identified nine programs having a higher figure under the budget resolution than under the ceiling established by the 1981 Reconciliation Act.[7]

The Perkins amendment stated:

> SEC. 110. (a) There are authorized to be appropriated for any program under the jurisdiction of the Committee on Education and Labor such funding levels as are assumed under the first budget resolution (H. Con. Res. 91) for fiscal year 1984.
>
> (b) The authorizations of appropriations under subsection (a) of this section supercede, and are not in addition to, authorizations, under the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35)."

Regarding Representative Erlenborn's allegation, the Committee obtained a copy of a portion of the transcript of the April 20, 1983, markup of H.R. 2461. The following discussion took place:

> Mr. PERKINS. Mr. Murphy and myself are offering an amendment and we are adding a new section, 110. A, there are authorized to be appropriated for any program under the jurisdiction of the Committee on Education and Labor such funding levels as are assumed under the first budget resolution, H. Con. Resolution 91 for the fiscal year 1984.
>
> B, the authorization of appropriations under Subsection A of this Section supercede and are not in addition to authorizations under the Omnibus Budget Reconciliation Act of 1981, Public Law 97-35.
>
> Now, what this does——
>
> Mr. ERLENBORN. Mr. Chairman, might I reserve a point of order on the amendment?
>
> Mr. PERKINS. Go ahead.

---

[6] The Committee points out that, despite the clear intent of the amendment, H. Con. Res. 91 does not contain specific program authorizations. This matter was noted in a July 19, 1983, letter from Representative Perkins, discussed infra.

[7] The programs were compensatory education, impact aid, education for the handicapped, vocational education, arts and humanities, Department of Education salaries and expenses, community services block grants, low-income energy assistance, and the women, infants, and children program.

Mr. **Erlenborn**. I'll just reserve it and let's debate it. [Laughter.]

I'll think about the reasons as we are debating it. [Laughter.]

I thank you very much.

Mr. **Perkins**. We bring some programs here up to the Fiscal Year 1984 first budget resolution, the compensatory education, chapter one, and the migrant education, and the impact aid from 475 to 505 and education for the handicapped from $1.17 billion up to $1.226 billion, and vocational education from $375 million up to $937 million, which was in the first budget resolution, and Mr. Murphy may want to make a statement at this time.

Mr. **Murphy**. The amendment by the Chairman is to allow the appropriations process and the budget process the flexibility that will be necessary if we find that we, as a majority in Congress, want to increase the funding, and most of these of course, again, would be discretionary but at least allows the appropriations process the flexibility of adding a few dollars here and there for the programs as they may see fit and that have been recommended through the budget process.

Mr. **Erlenborn**. Mr. Chairman?

Mr. **Perkins**. Go ahead, Mr. Erlenborn.

Mr. **Erlenborn**. Mr. Chairman, I must admit to being caught by surprise with this amendment, having no knowledge of it until it was put before me a minute ago.

Mr. **Perkins**. Well, we just decided on it a few moments ago. [Laughter.]

Mr. **Erlenborn**. I kind of thought that there was very little thought put into this. [Laughter.]

First of all, for those who are truly interested in the bill before us, may I point out that this amendment is not germane to the bill, and that's why I was reserving a point of order, or I thought I had. I reserved it for a very brief time apparently. But it is really not germane to this bill because it affects every program, the authorized level for every program within the jurisdiction of the Committee on Education and Labor.

Mr. **Perkins**. No, let me say to the gentleman entitlement programs like the school lunch program, that will have to come in a separate bill but the other programs under—not under entitlements.

Mr. **Erlenborn**. That's why I said the authorization level. It certainly would not change the formula for entitlement. But the authorization levels of every program within the jurisdiction of this committee.

Now, might I just suggest that if this, its obvious purpose——

Mr. **Perkins**. It only affects, let me say to the gentleman, nine programs where we have jurisdiction over some 40 or 50 here.

> Mr. **Erlenborn**. Well, let me say that its obvious purpose is not to lower authorizations but, rather, to increase them. . .

The Committee's understanding of the above-quoted portions of the April 20, 1983, markup session is that Representative Murphy clearly stated that the Perkins amendment affected (by way of increase) the authorization on only nine programs, not every program within the Committee on Education and Labor's jurisdiction, as Representative Erlenborn had argued. The chart Chairman Perkins provided to Members also established this feature of the amendment. The Perkins amendment was subsequently agreed to by an 18-9 vote. The Committee on Education and Labor, by voice vote, then agreed to a motion by Representative Murphy to report H.R. 2461, as amended, and to allow the staff to make necessary technical and conforming amendments. (The Committee notes that Representative Erlenborn's point of order was overruled. No view is expressed on whether the objection (apparently based on the germaneness of the Perkins amendment) was well-founded.)

It further appears that Representatives Erlenborn, Goodling, Gunderson, Bartlett, and Nielson came to understand the limited effects of the amendment. Specifically, the Education and Labor Committee report on H.R. 2461 (H. 98-137) contained the following statement by the named Members (in their dissenting views) concerning the Perkins amendment.

> This amendment, as offered, in conjunction with comments of the Chairman, its sponsor, would have the effect of increasing authorization of appropriation ceilings for 1984 for selected programs by more than $1.3 billion over the ceilings for those programs set in the Omnibus Reconciliation Act of 1981.

The minority report went on to complain about the increased length of the printed (reported) amendment as compared with the brevity of the introduced version. (The Committee notes that Chairman Perkins referred to 9 programs during the April 20 markup although 10 were listed in the Republican Members' dissenting views, quoted above. The Committee determined that Chairman Perkins' amendment treated two programs as one because of the President's proposal to consolidate the vocational and adult education programs into a single block grant. The 10 programs listed by Representative Erlenborn, et al., were the same referred to by Chairman Perkins on April 20, 1983.)

The Committee has also obtained a copy of a July 19, 1983, letter Representative Perkins sent to Representative Claude Pepper, Chairman, Committee on Rules, regarding Representative Erlenborn's allegation that the subject amendment had been improperly altered. The letter stated, in part:

> ### INTENT OF AMENDMENT
>
> My amendment did, as described in the Minority report, go from 67 words to over 380 words. Those 380 words, however, were substantially more precise in describing what the Committee intended than my original language.

> Title IV as reported increased the total authorizations of ten programs within our jurisdiction by $1.35 billion. The revision did not change the cost of the amendment; the original and the revised language were both tied to the same set of figures, the assumptions in the House-passed version of the budget resolution.
>
> The reason for revising the amendment stems from the complexity of the budget process. As you know, it is only since the 1981 Reconciliation Act that authorizing Committees have become involved with budget assumptions, authorization ceilings, and budget targets. This new, complex process requires new approaches in authorizing legislation and presents new difficulties in drafting amendments that are technically correct.
>
> As originally drafted, the amendment referred to "such funding levels as are assumed under the first budget resolution." This was intended to be a concise way of covering all ten programs whose authorizations were being increased. I believed these levels were known to all, since passage of a budget resolution generates much discussion about the individual program funding levels on which the total budget ceilings in the resolution are based.
>
> Soon after the Committee mark-up, I learned that these "assumptions" are not always printed in the public reports and records dealing with the budget resolution.
>
> Thus, to tie my amendment to "assumptions" which do not have any official standing would cause a great deal of confusion. So, in order to carry out the clear intent of the Committee during the mark-up, the figures for each program as shown on the chart which everyone had at the meeting were incorporated into the text of the amendment itself.
>
> The staff did not exceed the authority given it by the Committee to make technical and conforming amendments. No one can deny that the language in the reported bill was a more accurate, more specific reflection of what I intended and what the Committee intended when it adopted my amendment. No one was confused, no one was deceived, there was no misrepresentation and the Committee's intention was accurately reflected in the reported bill.

The thrust of Representatives Erlenborn's objection is two-pronged. First, he argued the Perkins amendment was not germane to the bill, H.R. 2461. Whether this proposition is correct is a matter not relevant to the investigation under House Resolution 254.

Second, Representative Erlenborn argued that the staff erred in revising the amendment pursuant to the authority granted by Representative Murphy's motion; an error tantamount to an improper alteration of the original language of the amendment. In stating his objections to the Committee on Rules during its meeting on July 12, 1983, Representative Erlenborn observed that the amendment was extensively revised to address two concerns: That based on the chart (which accompanied the amendment) the original text had the unintended effect of also reducing 15 program authorizations rather than just increasing nine. To eliminate this problem, Representative Erlenborn argued that the staff altered the amendment to affect only programs which stood to gain in authorized dollars. This was accomplished by adding language (a new subsection (c) to the amendment) identifying the programs affected.

The revisers, in Representative Erlenborn's view also improperly added words making clear the amendment affected only funding levels assumed under the first budget resolution, "as it passed the House on March 23, 1983," to avoid the problem of the House-Senate conferees on the First Budget Resolution agreeing on lower levels than those assumed in the House-passed version.

Conclusion

The Committee concludes that this allegation does not involve an improper alteration. The revised language was apparently a more precise articulation of the intent of the original amendment, having no effect on cost or the programs covered. Specifically, the amendment was clearly intended to reach nine programs for the purpose of increasing authorization levels to those assumed in the House-passed version of H. Con. Res. 91. Further, as evidenced by materials provided during consideration of the amendment and the discussion thereon, Representative Erlenborn and others clearly understood the full intent and scope of the proposal. Finally, the motion by Representative Murphy expressly authorized the staff to revise the amendment. The Committee expresses no view on whether the amendment was germane or whether the staff's revision exceeded accepted technical or conforming practices.

b. Language of Public Law 94–12, Tax Reduction Act of 1975

Representative Pete Stark alleged that improper alterations had been made to H.R. 2166, the bill enacted as the Tax Reduction Act of 1975. The Committee determined that Representative Stark's concern (which had also been a concern of former Representative Vanik) was that when the conferees on the bill met, they agreed to adopt the provisions of earlier House bills regarding foreign tax credits given to certain energy producers. However, when the conference report on H.R. 2166 was debated and passed, the specific statutory language that was agreed to differed significantly from those earlier provisions, suggesting that the language of the bill had been improperly altered. The provisions in question were enacted as 26 U.S.C. 907(c)(3) (Internal Revenue Code).

The Committee's review of the legislative history of section 907(c)(3) of the Internal Revenue Code established that the specific features that were alleged as beyond the conferees' agreement, had, indeed, been discussed during the House-Senate conference on H.R. 2166. Further, the enacted provisions were discussed on the House floor during consideration of the conference report. In fact, former Representative Vanik, who initially questioned the propriety of the language enacted as section 907(c)(3), was the first person to speak immediately after the section was described by the floor manager of the bill, the Chairman of the House conferees, Representative Al Ullman. See Cong. Rec. daily ed., March 26, 1975, H 8920.

The Committee also discussed the allegation with former tax counsels of the Joint Committee on Internal Revenue Taxation, individuals who worked as staff of the conferees when H.R. 2166 went to conference. They consistently stated that the matter had been discussed by the conferees. Specifically, the conference staff presented the House-Senate conferees a number of conceptual alternatives in the nature of a compromise between the House and Senate versions of H.R. 2166. Along with alternatives presented were estimates of the revenue effects of each approach. The conferees agreed to the alternative that included the features of new section 907(c)(3). The conferees' staff then drafted the language necessary to implement the chosen option. The language so drafted by the staff was included in the conference report on H.R. 2166.

Inasmuch as the conference report contained the language of the ultimately enacted provision, the language was discussed on the House floor, and conference staff provided detailed and consistent information as to the origins of section 907(c)(3), the Committee concludes no improper alterations were made.

c. *Revision of land map prepared in connection with S. 2009, Central Idaho Wilderness Act of 1980*

In response to his interrogatory, Representative Don Young alleged that a staff member on the House Committee on Interior and Insular Affairs had made improper alterations to a map prepared in connection with S. 2009 (96th Congress), the Central Idaho Wilderness Act of 1980. Representative Young stated that the Committee on Interior and Insular Affairs had adopted an amendment during its markup of S. 2009 which deleted about 50,000 acres known as "West Panther Creek" and identified as RARE II Area W 4504 from wilderness designation in the State of Idaho. The Representative alleged, however, that a certain staff member of the committee was responsible for a "willful alteration" resulting in the deletion of a "much smaller area" from wilderness designation when the map reflecting the committee's action was prepared.

Findings

From November 29, 1979, through February 27, 1980, the Committee on Interior and Insular Affairs had for consideration the bill S. 2009, which had passed the Senate on November 20, 1979. The bill was first handled by the Subcommittee on Public Lands and then the full Committee on Interior and Insular Affairs. The Public Lands Subcommittee, chaired by Representative John Sieberling, concluded its work on the bill on February 5, 1980, and the bill was sent for full committee action.

On February 20, 1980, full committee consideration began. At that time, Representative Jim Santini offered an amendment whose purpose was to permit the exploration and/or recovery of cobalt—a substance having important defense applications. To accomplish this objective, the amendment sought to exclude from the Idaho wilderness area certain acreage that had been so designated—a designation which impeded the exploration and mining of cobalt.

Debate on the Santini amendment continued through February 27, 1980, when it was adopted. Throughout the debate it was the apparent understanding of the committee that the amendment affected about 50,000 acres of wilderness area in Idaho. That the parties understood 50,000 acres was affected is evident not only by the debate on the amendment but also in its language where it proposed deleting the Senate-passed reference to "two million two hundred eighty five thousand" acres of wilderness and inserted in lieu thereof "two million two hundred thirty-five thousand acres." To effect the exclusion of the 50,000 acres, the amendment further directed a redrawing of certain wilderness boundaries on the official Government map incorporated by reference in the bill. Such a practice is common in legislation of this type because of the approximation often used in estimating land areas. Thus land maps are often used to depict specifically the reach of legislation.

In the case of the Santini amendment, the realined boundaries were to conform to those depicted on a map entitled, "Underground Mining Area-Clear Creek," dated November 1979.

The problem is that while the amendment was described by Representative Santini and understood by Representative Santini and others as affecting about 50,000 acres, the language of the amendment, by virtue of its reference to a certain map, in fact affected only about 35,000 acres—that area described as the Underground Mining Area-Clear Creek. Specifically, the Santini amendment was apparently thought by its sponsor to have excluded all of RARE II Area W 4504 from wilderness designation when in fact it excluded only part of it by virtue of the map referred to in the amendment language.

After S. 2009, as amended, was approved by the full committee, the staff set out to redraw the map to accord with the committee bill. Because the language of the Santini amendment had not been changed, staff apparently redrew the wilderness area to exclude only about 35,000 acres (per the amendment's map reference) rather than the 50,000 acres envisioned by the proponents of the measure.

When the redrawn maps were shown to Representative Santini, a dispute ensued. Specifically, Representative Santini argued that the staff had not carried out the committee's intent. Representative Sieberling reponded that this was incorrect—the language of the amendment was properly implemented in redrawing the maps.

In this connection, Representative Sieberling wrote a letter to committee Chairman Morris Udall on May 19, 1980, which stated, in part, that:

> Since he [Santini] referred to this as a 50,000 acre area, the amendments opponents erroneously assumed the "Underground Mining Area-Clear Creek" was 50,000 acres in size.
>
> * * * * *
>
> Nowhere on the face of the Santini amendment, nor in the official markup transcript is it stated that the amendment intended to delete the entire RARE II unit. Rather, as already noted, the words of the amendment itself are

keyed to the November 1979 map, which is the map Subcommittee staff used to adjust the boundary.

The dispute was discussed at a May 29, 1980, meeting of the committee. During the discussion, Representative Santini agreed with the Committee Chairman, Morris Udall, and Representatives Murphy and Sieberling that the amendment was ambiguous.

The matter was finally resolved by adoption of a resolution indicating what the intent of the Santini amendment was.

Conclusion

The Committee concludes that this allegation does not involve an improper alteration. The allegation apparently stems from committee staff implementing the language of an admittedly ambiguous amendment.

The Committee notes that, in responding to his interrogatory, former Representative Santini did not indicate any awareness of improper alterations to House documents. Nor did he refer to this situation as meriting the Committee's consideration.

4. ERRORS IN DRAFTING COMMITTEE REPORT

Misquotations and factual inaccuracies in preparing the draft of House Report 95-1090, "Nuclear Power Costs," April 28, 1978

Background

In response to question 5 of his interrogatory, Representative Thomas Kindness indicated that the staff who prepared the draft of House Report 95-1090, entitled, "Nuclear Power Costs," included in that draft an incorrect quotation attributed to a representative of the Massachusetts Energy Office. Representative Kindness noted that the altered quotation came from one who had not testified at the hearings. He also suggested that determining whether this instance involved an improper alteration depended upon whether staff drafts of investigatory reports, not yet approved by committee action, should be deemed House documents.

Obviously, there must be some logical point at which staff materials become House documents. To say that all such materials fall within the category of House documents would lead to anomalous results (for example, this assumption clearly would embrace personal notes of research or telephone conversations.) In the light of the purpose of the present investigation and the facts surrounding the situation presented by Representative Kindness, the Committee treated the matter as one within the scope of House Resolution 254. This decision rested primarily on the fact that the draft at issue had been presented to committee Members for review and approval and thus had entered the stream of official decision making.

Findings

The instance Representative Kindness referred to concerns a report originally prepared by staff of the Environment, Energy, and Natural Resources (EENR) Subcommittee of the Committee on Government Operations. The report, House Report 95-1090, dated April 28, 1978, was entitled, "Nuclear Power Costs, Twenty-Third Report by the Committee on Government Operations," and had been prepared based, in part, on hearings held by the Subcommittee.

After hearings were held, a draft report was written and circulated to EENR Members and staff for review and comment. At this time inaccuracies and factual errors were identified. The matter was brought to the attention of committee Chairman Jack Brooks and his staff who directed that the draft be rechecked for accuracy.

When the final report was issued, 11 Members joined in submitting dissenting views.[8]

In their dissent, the Members stated, in part:

> 3. Errors and Inaccuracies: There has been a very clear pattern of errors and inaccuracies in connection with the development of this report. There has likewise been a clear pattern of reluctance on the part of the Subcommittee staff to correct those errors. Fortunately, the intervention of the chairman of the full Committee on Government Operations has resulted in the correction of many of these errors. The problem remaining is whether all of these errors have, in fact, been corrected.
>
> We know for certain that at least two of the errors called to the attention of the subcommittee, and approved by it, were not corrected in the copy of the report submitted to members of the full committee for their consideration. Granted, these are not major errors, but rather they show a pattern of sloppiness, and lack of professionalism which destroys credibility.
>
> One serious error detected in the original draft of the report should be noted, even though it has now been deleted from the report. The original draft of the report, which undoubtedly would have been adopted, but for fortuitous delay in the time of the scheduled subcommittee action, contained an altered quotation attributable to a representative of the Massachusetts Energy Office. The context in which the quoted material originally appeared referred to baseloaded power plants of all types, including oil, gas, coal-fired, and nuclear power plants. The material referred to was first taken out of this context, and then altered by the insertion of the word "nuclear" to give the impression that the material referred only to nuclear plants. As altered it conveyed the impression that only nuclear plants would require investment of inordinate amounts of capital. The source document clearly intended to convey the thought that the capital problem applied to all forms of baseloaded power plants, including nuclear, oil or coal.
>
> The subcommittee staff upon being informed of the altered quotation by Chairman Brooks' staff, deleted the material by memorandum. Unfortunately, they didn't bother to explain why the material was being deleted. The deletion and the source of the original quotation have never

---

[8] Representatives Kindness, Frank Horton, John Erlenborn, John Wydler, Clarence Brown, Paul McCloskey, Tom Corcoran, Dan Quayle, Robert Walker, Arlan Stangeland, and John Cunningham.

> been explained. The failure to explain the source of the altered quotation casts a further shadow over the report. Since the reader of the report doesn't know the source of the erroneous material, it is only fair to assume that the source of the erroneous material may have been used elsewhere in the report. Had the matter been fully explained, this area of doubt could have been eliminated, or other material attributable to the same source could have received closer scrutiny.
>
> In a very limited time, prior to the first markup session of the subcommittee, the minority staff identified over 100 factual and technical errors. As a result of the alertness of Chairman Brooks, the subcommittee staff was directed to review and recheck the report. This resulted in a total of 68 changes being proposed to the subcommittee, all of which were adopted. Here again, many of the errors were not of major significance. But clearly there is a pattern of just plain sloppy work, coupled with an apparent lack of sincere interest in ensuring the accuracy of the report. (H. Rept. 95-1090, pp. 122-123 (1978).)

The Committee obtained and reviewed a copy of the original draft of the 1978 report, along with annotations indicating the mistakes that had been identified when the draft was rechecked for accuracy. The Committee also discussed what had occurred in the preparation of the draft with, for example, the former EENR Subcommittee staff director and the former staff member who prepared the draft.

Review of the draft, annotations, and final report clearly indicates that the original draft contained quotations and statements that were either misleading or inaccurate.

For example, the original draft stated:

> The subcommittee heard testimony that solar energy used for space heating and hot water is already economically competitive with nuclear power.

This statement was revised to read:

> The subcommittee found that solar energy used for space heating and hot water is already economically competitive with nuclear power throughout most of the United States.

The change was made to reflect accurately the information the EENR Subcommittee had and how it had come upon such information.

In another revision, the draft was changed to correctly identify those States that had, as of December 31, 1977, passed laws forbidding dumping of nuclear wastes; the original version had improperly included the State of California and omitted the State of Oregon.

Perhaps the most egregious inaccuracy in the original draft was that referred to in the dissenting views and quoted above. The original draft stated:

> A Massachusetts Energy Policy Office study found: "If these nuclear plants are built at the presently projected

> rate inordinate amounts of capital will be diverted to the construction of power plants and away from other sectors of the economy, and the cost of the electricity will rise to levels that will be beyond the budget of some classes of residential, commercial and industrial customers."

The statement was both taken out of context and found to be erroneous. Consequently, the entire quotation was deleted. A memorandum from the EENR Subcommittee Chairman, Representative Leo Ryan, to subcommittee Members dated March 1, 1978, identified the error and directed the Members to delete the statement from the drafts that had been given to them for review.

Regarding the Massachusetts Energy Office matter, the former staff member who prepared the draft told the Committee by letter dated October 12, 1983:

> As stated on pg. 122 of the dissenting views, the original quote referred to baseloaded power plants of all types. A secondary source, however, had deleted the words oil, gas and coal fired, leaving the word nuclear in the parenthesis. As you probably know when a word is inserted in parenthesis in the middle of a quotation, it indicates that a word or several words have been left out. In any event, the secondary source quote was inadvertently used in one of the original drafts of the report. Somewhere between my copy which had the parenthesis and the editing by the staff director and other staffers and the typing of a clean copy by the secretary, the parenthesis was dropped. The word nuclear then appeared in the final copy without the parenthesis, giving the impression that no other words had appeared in the original quote.

The Committee was unable to locate the "secondary source" referred to above.

The Committee notes that in virtually each instance of draft report inaccuracy, a statement of fact was attributed to or derived from a source specifically footnoted and identified in the draft. Thus there was not evidence of an attempt by the drafting staff to include unverifiable misinformation.

Conclusion

There was insufficient evidence to conclude that this allegation involved improper alterations. The Committee believes that the original draft was the result of sloppy preparation and inattention to detail, such inattention leading for example, to misquotations. The fact that the inaccuracies were identified before issuance of the final report suggests that the review policies of EENR Subcommittee (and the full Government Operations Committee) incorporated sufficient safeguards to detect flawed work.

The explanation offered as to the cause of the Massachusetts Energy Office misquotation was plausible, although not substantiated. The Committee believes that that error and its inclusion in the draft report also indicates insufficient proofreading and inattention to detail.

The Committee concludes that, viewed in the context of the present investigation, errors made in draft preparation, whether at random or such that a "pattern of sloppinesss" is evident, should not be regarded as "improper alterations," given the import of the definition assigned to that term—changes made either without authority or, if authorized, made in order to defeat original intent.

5. REVISIONS REGARDING EXERCISES OF AUTHORITY TO INCLUDE MATERIAL FOR THE RECORD

February 8, 1982, hearing regarding the Securities and Exchange Commission's pursuit of allegations against Mobil Oil Corp.

The July 21, 1983, edition of the Washington Times carried an article on page 4-A suggesting the existence of another improper alteration of a hearing record. (App. EE.) Specifically, the article referred to a February 8, 1982, hearing conducted by the Subcommittee on Oversight and Investigations of the House Committee on Energy and Commerce. The hearing was an examination of security law and corporate disclosure regulations. It was chaired by Representative John Dingell and focused on whether the Securities and Exchange Commission (SEC) had correctly pursued allegations against the Mobil Oil Corp.

The article stated that Representative Norman Lent had written to Chairman Dingell after receiving his copy of the final printed hearing. The Congressman was said to have alleged that the printed record was flawed.

The Committee has obtained copies of the July 21, 1982, and August 11, 1982, letters sent by Representative Lent to Chairman Dingell. (Apps. FF and GG.) In these letters, Representative Lent voiced his concern about the printed hearing record, specifically the absence of certain material that was to have been included in the record as well as the inclusion of other material in the record without agreement.

The Committee is unaware of any response by Chairman Dingell to Representative Lent's letters. However, on the same date that the Times article appeared, Chairman Dingell sent a memorandum to all Members [illegible] Committee on Energy and Commerce regarding the article (App. HH.) The Committee contacted Representative Lent's office [illegible] more information on the Congressman's concern. Shortly [illegible] on July 29, 1983, Representative Lent called the Committee and said that he had "no ethical problems with the Energy and Commerce Committee."

In a July 26, 1983, letter to Chairman Dingell (App. II) Representative Lent clarified his concerns in light of the Times article which characterized the matter as an alleged improper alteration of the February 8, 1982, hearing record. The Congressman stated that he had no problem with altered transcripts and that he was concerned with how the Subcommittee staff exercised their authority; specifically, how they timed the release of the printed record in view of pending litigation, why they included or excluded material, and how they determined what constitutes "an appropriate document" for the record. The Committee notes that, consistent with the foregoing, Representative Lent's interrogatory did not indicate that he had any information regarding improper alterations.

Conclusion

The Committee is satisfied that the allegation raised in the July 21, 1983, edition of the Washington Times does not concern an improper alteration of a hearing transcript. Rather, the situation of concern to Representative Lent is more appropriately characterized by either a lack of or incomplete communication between subcommittee staff and Members with respect to materials to be included in the record, but not the including or excluding of materials without authority to do so.

6. REVISIONS TO REMARKS ON FLOOR DEBATE

Speech on the House floor

Former Representative Bob Shamansky's response to question 5 of the interrogatory indicated that the printed record of House floor proceedings contained particular statements attributed to Representative Dan Rostenkowski during consideration of H.R. 5159 (97th Cong.) the Black Lung Benefits Revenue Act of 1981. The response indicated that certain words had never, in fact, been spoken. This was confirmed by Representative Doug Walgren's review of the tape recording of the floor debate and the Congressional Record. Congressman Walgren apparently told former Congressman Shamansky of his findings. Former Representative Shamansky's response to question 5 rhetorically asked whether the Congressional Record had been improperly altered. Representative Walgren did not respond to question 5 by saying that he knew of any improper alterations.

The Committee reviewed the December 16, 1981, Congressional Record debate on H.R. 5159 and the voice tape of the proceedings and found that Representative Rostenkowski had indeed added about 2 paragraphs of remarks to those he actually stated on the floor. This revision was authorized. Specifically, later in the day, Representative Jim Wright stated:

> Mr. Speaker, I ask unanimous consent that all Members of the House shall have the privilege, until the last edition authorized by the Joint Committee on Printing is published, to extend and revise their own remarks in the Congressional Record on more than one subject, if they so desire, and may also include therein such short quotations as may be necessary to explain or complete such extensions of remarks; but this order shall not apply to any subject matter which may have occurred, or to any speech delivered subsequent to the adjournment of Congress.
>
> The SPEAKER. Is there objection to the request of the gentleman from Texas?
>
> There was no objection.
>
> (Cong. Rec., daily ed., December 16, 1981, H 9896.)

The issue of the latitude given Members to "revise and extend" their comments has been, for many years, the focus of heated debates. Steps were taken during the 95th Congress to address the issue. On March 1, 1978, the Congress adopted the use of "bullets" immediately before and after Members' statements to identify insertions in the Congressional Record. In this connection, the Office of the Parliamentarian informed the Committee that "bullets" are not used to identify revisions to a Member's remarks if the Member was present for at least a portion of the statement; "bullets" are used to identify material inserted when the Member was not present and did not deliver the remarks. Thus, "bullets" were not used to identify Representative Rostenkowski's revision to his floor statement.

Conclusion

The Committee concludes that no improper alterations exist with regard to this instance; that it involved an authorized revision to Representative Rostenkowski's remarks.

C. CATEGORY III—ALLEGATION FOUND NOT TO INVOLVE ALTERATIONS INACCURATE RECORD OF ATTENDANCE

Representative Cooper Evans' response to question 5 of the interrogatories ("Do you have any information regarding any unauthorized alterations to official proceedings of the House of Representatives?") indicated he believed the official record of his attendance at meetings of the Committee on Agriculture during the 97th Congress was inaccurate. The Committee interviewed Representative Evans' Executive Assistant.

The Executive Assistant stated that she understood that the Committee on Agriculture had given a reporter an account of the number of meetings attended by the Congressman which was lower than Representative Evans' own count. The Executive Assistant stated that the Congressman's office estimated the number of meetings he had attended by making notations on calendars, appointment books, and other documents. She agreed that it was quite possible that a calendar or an appointment notation is not a true indication of actual attendance. The Committee was also told that because Representative Evans' staff was new during the 97th Congress, there was perhaps a lack of communication between the committee and the Congressman's congressional staff regarding notification of hearings. The Executive Assistant said that these two facts alone could cause a difference in number and would not constitute improper actions or unauthorized changes.

She indicated that Representative Evans did not intend for the Committee on Standards of Official Conduct to regard the situation as an improper alteration.

The Committee concludes that no improper alteration exists and that no further investigation is warranted.

VIII. IN-HOUSE EDITING AND PRINTING PROCEDURES

In a floor statement on September 14, 1983, Committee Chairman Louis Stokes invited interested Members, staff and others to share their advice and suggestions on current or proposed procedures for the editing and publishing of House documents. (App. JJ.) Chairman Stokes' invitation was followed by letters to Members and other committee chairman dated September 16, 1983, and signed by Chairman Stokes and the Ranking Minority Member, Floyd Spence. (See, e.g., Exhibit 3.)

The Committee received a total of 14 written responses from Members and staff. Of these, 1 response was from a staff member. The remainder were from Members, including 7 committee chairmen. Also, on November 9, 1983, the Committee held a hearing on the matter.[9]

Input ranged from offering no suggestions in the expressed belief that current practices are adequate to proposing that proceedings be published verbatim. While one commenter opposed a verbatim-only approach on the ground that it precluded the correction of apparent errors, others suggested the approach of a verbatim record supplemented by a separate notation of corrections to errors in transcription.

House Resolution 287, introduced by Representative Richard Durbin, proposed adopting this latter approach. (See also House Resolution 327, introduced September 30, 1983.) Similarly, on July 26, 1983, the Committee on Science and Technology adopted new rules on the publishing of transcripts, which state, in part:

> 23. *Publication of committee hearings.*—The transcripts of those hearings conducted by the Committee which are decided to be printed will be published in verbatim form with the material requested for the record inserted at that place requested, or at the end of the transcript as appropriate.
>
> Any requests by those Members, staff or witnesses to correct any errors, other than errors in transcription, will be appended to the record, and the appropriate place where the change is requested will be footnoted.
>
> Prior to approval by the Chairman of the hearings conducted jointly with another Congressional committee, a memorandum of understanding will be prepared which incorporates an agreement for the publication of the verbatim transcript.

Other commenters focused on the procedure by which transcripts are edited rather than the substance of the editing. These observations included prohibiting the release of the master transcript to committee staff (editing to be made only on copies of it and then transcribed onto the master kept by the committee printing editor); allowing only expressly authorized individuals to make editing changes (whether to an original or a copy of a transcript); and permitting editing beyond error correction (e.g., clarification) so long as doing so is not extensive or tantamount to rewriting the testimony to change the meaning or thrust.

In light of the findings of the current investigation the Committee concludes the EPA situation was a singular episode not suggesting the need for systemic revisions to current practices. Furthermore, the Committee notes that at least one committee (Science and Technology) has adopted a verbatim transcript-type approach. The Committee believes it would be premature to attempt to draw any conclusions about whether such a process (or a variation of it) should be adopted by all committees. Thus, until the Committee can reasonably evaluate the effects of that new approach, it declines to make any recommendations on printing procedures. In the meantime it is recommended that each committee of jurisdiction consider the matter.

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[9] The record of the November 9, 1983, hearing appears in Exhibit 6.

In view of the Committee's findings in the EPA allegation, it is recommended that whenever joint hearings are held, the participating committees or subcommittees reach a clear understanding on the allocation of responsibility in the editing and preparation of the hearing record.

The report was adopted by a show of hands, 8 yeas, 0 nays, and 1 voting "present" on November 9, 1983.

STATEMENT UNDER CLAUSE 2(n) OF RULE X

The Committee's oversight findings and recommendations are as stated above. No budget statement is submitted.

APPENDIX A

Benjamin J. Guthrie
Clerk

Geraldine C. Lyda, Director
Office of Official Reporters

Office of the Clerk
U.S. House of Representatives
Washington, D.C. 20515

APP. A

October 5, 1983

Mr. John Swanner
Staff Director
Committee on Standards of Official Conduct
2360 Rayburn HOB
Washington, D. C.

Dear John:

Per your request, I am forwarding hearing transcripts and accompanying tape recordings from two hearings reported by Recording Technicians employed by the Office of Official Reporters. The tape recordings are our sole copies, so I would appreciate having them returned when your staff has completed its perusal of them.

The transcripts and tapes are:

Committee on Interior and Insular Subcommittee on Mining, Forest Management and Bonneville Power Administration, Sept. 20, 1983	8 tape recordings
Committee on Science and Technology Subcommittee on Space Science and Applications, Sept. 14, 1983	2 tape recordings

The transcript from Interior is an example of a "reporter-edited" transcript, which means the reporter has corrected syntax, grammar, and English usage as required for a more readable record.

The transcript from Science is an example of a strictly verbatim transcript where none of the above-mentioned alterations have been made.

I have requested three sets of transcript and tapes from three of the companies who are under contract to supplement the services of the Official Reporters. I expect to receive them today or tomorrow and will forward them to you.

If I can be of further assistance, please do not hesitate to contact me.

Very truly yours,

Geraldine C. Lyda, Director
Office of Official Reporters

APPENDIX B

TWIN
TRAK
VOICE
WRITERS

APP. B

October 4, 1983

Mr. Ralph Lotkin
Chief Counsel For Altered Transcripts
Room 685
House Annex II
Washington, D. C.

Dear Mr. Lotkin:

In response to your request to have some concrete indication as to just how our reporters and transcribers produce our transcripts and, more particularly, the style with which we render said transcripts in terms of the non-verbatim nature of that style, let me try to set this out for you in this letter.

Twin-Trak Voice Writers is trying to produce an editing tool for the committees of the Congress so that, without violating what is being said by the witness, we grammatically construct the words used by the witness so that it makes sense in print.

This requires leaving out ungrammatical expressions and constructions and adding clarifying words so that the spoken word becomes clear in writing. We also, by the use of clear punctuation, eliminate ambiguities.

In any event, every decision we make that affects the non-verbatim nature of the proceeding is made with a view toward producing a working tool for the editor and the witnesses themselves who will also edit their own remarks before returning the remarks to the committee for final printing.

The spoken and written word are worlds apart. If we typed strictly verbatim what is said, for the majority of witnesses' testimony one would have to wade through and awful lot of inaccurate, superfluous,

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and misleading expressions in order to get at just what the witness is trying to say.

When you are there and listening and watching the speaker, you can fill in and delete the unnecessary words. In addition, when you are an auditor, merely listening for substance, you do not need the refinement required for written language. Again, the written word is a very different animal from the spoken word.

With this in mind, we see ourselves as intermediaries, as translators who are professional enough in our work to feel confident about rendering that spoken word into readable form.

Now, it is certainly possible -- indeed, it is much easier to type verbatim because fewer decisions are needed -- to do things another way. In court where every single word may be important for other than editing purposes, we type everything said by the witness. But what is going on in court is not the same thing that is going on in the committees of the Congress.

Rather than try to give you examples in writing, I am sending you a cassette and the transcript of a recent committee hearing which we did, hoping that this will suffice for your concrete needs in seeing how we produce the transcripts.

If I can be of any further service to you in this regard, let me know.

Sincerely,

Thomas H. Crais
President

THC/mjs
Copy to Geri Lyda, Official Reporters to Committees

APPENDIX C

Small Business Act.''

It doesn't say anything -- It talks about amounts. It doesn't talk about job classification. It doesn't talk about whether it has to be whether it has to be graders ~~or~~ fencing, ~~or~~ whether it has to be anything; it talks about the amounts. And ~~T~~therefore, it is my belief -- and ~~we will~~ we'll get further ruling if need be -- that amounts includes ancillary services and supportive services that you've ~~have~~ talked about, such as lawyers, and janitors, etcetera. Mr. Owens.

So, I think not only is there no prohibition, but the law is very clear and specific on the scope of the statute as written by the Department of Transportation.

Now I'll ~~will~~ begin with my questions. You ~~have~~ heard the charges, uh, Mr. Mr. Thomas, that and how would you respond to the charges of the Associated General Contractors of America ~~have made~~ that minority firms are incompetent and cost more to use than other firms. ~~How would you respond to that?~~

Mr. Thomas. One thing I have found out -- ~~and~~ I've ~~have~~ both been identified on a management, financial, and also association level for 13 years with contractors -- ~~is~~ I find out that contractors don't give away anything. That ~~They~~ always go for the lowest bidder. If they negotiate the bid or and/or if it is a closed bid kind of thing minorities get no shake right down to the 8(a) program. You have to negotiate a good dollar. and ~~E~~everybody knows what they want to spend for something. They have their own spread. They know what they want to spend for it.

We have said the same in the flood insurance program: [If] not clear you build your houses upon sufficient elevation so that you're ~~are~~ subject to more damage from flood and therefore have a right to claim more federal disaster assistance, we're ~~are~~ gonna ~~going to~~ deny you federal flood insurance. And not only that, but we're gonna ~~are going to~~ deny you the right to get a loan from a bank or a saving and loan that is federally insured. We go pretty far with the stick in flood insurance.

I suppose I've gotta ~~have to~~ ask the tough question to you: Don't you ~~not~~ think that saving lives on the highway is as important as building a house that is of sufficient elevation to save some federal disaster funds?

Mr. Volpe: You could have asked me, are you for motherhood.

I would say this to you, Congressman: There is a difference of opinion as to how to accomplish the results that both you and I want. We are after the same thing. We want to save lives. And while I'm ~~am~~ mentioning that, I don't ~~not~~ know whether you've ~~have~~ heard of any of the testimony to date today and ~~in~~ your last hearing, but 5,580 fewer lives were lost on our highways last year than the year before. Now, ~~And~~ that wasn't ~~was not~~ due entirely to the Presidential Commission or to any one factor.

It was due to a great many factors, including all of the wonderful action groups, the Mothers Against Drunk things go well under those circumstances.

Sometimes that's not the case and things don't go well. Sometimes we might have another issue totally unassociated with the budget pending before the Congress in some other fashion. And the fiscal soundness of the operation of the District of Columbia Government ought to be dependent ~~on~~ upon fiscal factors and not upon all of the other kinds of factors which might enter into the relationship between the Congress and the Council.

The Congress has an interest in the City of Washington being fiscally sound. And certainly the members of Congress, certainly the business people in their jurisdictions, would want, if they ~~are~~ were investing in a business enterprise, to be assured that the primary industry that is served by that business enterprise were paying ~~was paying~~ its bill. And formula-based federal payment will help to give that assurance.

MR. Fauntroy. I thank you so very much, Chairman Clarke, for your testimony, and particularly for your willingness to remain far beyond the time that we were to commence this hearing.

MR. Clarke. Thank you, Mr. Chairman.

MR. Fauntroy. We'll be moving ahead on this today thanks to your testimony.

MR. Clarke. Thank you.

APPENDIX D

LIST OF DIFFERENCES BETWEEN TRANSCRIPT AND CORRECTED GALLEY PROOFS

General Notes

1. "Trans. Pg./Ln." -- This column indicates the page number(s) and line(s) of text of the transcript provided by the Clerk of the House.
2. "Galley Pg." -- This column indicates the page number(s) of the galley proofs provided by the Government Printing Office.
3. "Speaker Identification" -- This column indicates the person speaking.
4. "What Original Transcript Says" -- This column indicates what the original transcript says.
5. "What Corrected Galley Says" -- This column indicates what the corrected galley proof says.
6. Material underscored indicates changes made on the original transcript; material marked with asterisks indicate changes made on the corrected galley proofs.

HEARINGS OF WEDNESDAY, JULY 21, 1982

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
2/32	1	Moffett	"The Subcommittee will..."	"The Subcommittees will..."
2/45	2	"	"The subcommittees have had joint hearings in the past, and I think, I would say..."	"The subcommittees have had joint hearings in the past, and I would say..."
3/54	2	Sensenbrenner	"...two weeks..."	"...2 weeks..."
3/57-58	2	"	************* *** "...Agricultural...and the Environment..."	"...Agriculture...and Environment..."
3/65-66	2	"	"...there is approximately an inch and a half of total written testimony..."	"...there is approximately 1 1/2 inches of total written testimony..."
4/88	2	Moffett	"there..."	"There..."
4/91	2	"	"...decited..."	"...decided..."
5/103	2	Sensenbrenner	************* *** "...Agricultural Research and the Environment..."	"...Agriculture Research and Environment..."
5/109	3	"	"...two weeks' notice..."	"...2 weeks' notice..."
5/113	3	"	"...to drat intelligent..."	"...to draft intelligent..."
5/117	3	Moffett	"But we are all aware..."	"We are all aware..."
6/129-130	3	"	"There would be no--there..."	"There would be..."
6/130	3	"	"...would be nothing to be gained..."	"...nothing to be gained..."
6/140	3	Sensenbrenner	"...reaised..."	"...raised..."
6/148-149	3	"	"...at the eleventh hour, fifty-ninth minute and fifty-ninth second..."	"...at the 11 hour, 59 minute, and 59 second..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
7/175	4	Moffett	"We are going to have to--I shall rule..."	"I shall rule..."
8/179	4	"	"...for decorum..."	"...for the decorum..."
8/185	4	Waxman	"...that would..."	"...that I would..."
9/215	4	Moffett	"...of the hearing,..."	"...of the hearing..."
9/216	4	"	"...I don't believe is at issue here..."	"...is not at issue here..."
9/222-223	5	"	"The gentleman seems to be raising the question, the gentleman from Wisconsin, in his point of order as t..."	"The gentleman from Wisconsin seems to be raising the question in his point of order, as to..."
10/232-233	5	"	"The Congressional Relations people at EPA..."	"The congressional relations people at EPA..."
10/235	5	"	"when they backed out..."	"They backed out..."
10/236	5	"	"...or I think..."	"...or, I think,..."
10/240	5	"	"...scheduled for the 1th and..."	"...scheduled for the 13th and..."
10/241	5	"	"...werenot able to appear on these two days."	"...were not able to appear on these 2 days."
10/242	5	"	"...that is the expalanation, the..."	"...that is the explanation, the..."
10/244-245	5	"	"...to the Chair's knowledge, nothing that was in the Majority's possession..."	"...to the Chair's knowledge none of the testimony that was in the Majority's possession..."
10/247	5	"	"...for the Majority that we..."	"...for the Majority and that we..."
10/248	5	"	"...don't need to play parliamentary games."	"...don't need to play wasteful parliamentary games."
10/250	5	"	"...that the last ditch desperation move is to resort to..."	"...that it must resort to..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
11/251	5	Moffett	"...devices to try and deny..."	"...devices as a last-ditch, desperation move to try and deny..."
11/253	5	"	"...Administration's..."	"...administration's..."
11/263	5	Waxman	"This is a fact-finding mission..."	"This is a factfinding mission..."
12/280	6	Sensenbrenner	"...the Minority has got to protect..."	"...the Minority has to protect..."
12/283	6	"	"...have been comlied with."	"...have been complied with."
13/306	6	Waxman	"...at a hearing that can be a..."	"...at a hearing there can be a..."
13/309	6	"	"...noticied..."	"...noticed..."
13/316	6	Moffett	"...at the very lease..."	"...at the very least..."
13/319	6	"	"...regrettable and really tragic that..."	"...regrettable, even tragic, that..."
13/323	6	"	"...members hwo..."	"...members who..."
14/336	7	Sensenbrenner	"...Clause 4,..."	"...clause 4,..."
14/338	7	"	"...member."	"...Member;..."
15/353	7	Moffett	"...purpose,..."	"...purpose--..."
15/355	7	"	"...Administration,..."	"...Administration--..."
15/358	7	"	"...testimony that you did get..."	"...testimony that you did get,..."
15/370	7	Waxman	"...participating int his hearing..."	"...participating in this hearing,..."
15/372	7	"	"...declare it an official hearing."	"...declare it an unofficial hearing."
16/381	7	"	"...under the five-minute rule..."	"...under the 5-minute rule..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
16/390-392	7-8	Moffett	"But we are not going to have a--in the spirit of gagging and book-burning and various other ugly things--..."	"But we are not going to have--in the spirit **** ******* of gagging and book burning--..."
17/410	8	Walker	"...Chairman..."	"...Chairman..."
18/428-429	8	Moffett	"...it is heard to envision if the Chair is at all fair..."	"...it is hard to envision, if the Chair is at all fair,..."
18/431	8	"	"...rnking..."	"...ranking..."
18/435	8	"	"...just call to four or five chairmen..."	"...just call four or five chairmen..."
18/448	8	"	"...psosibly..."	"...possibly..."
19/457	9	Sensenbrenner	"...for one week..."	"...for 1 week..."
19/469-470	9	Carney	"...on August 4th and August 5th."	"...on August 4 and 5."
20/480	9	Moffett	"...review by four subcommittees..."	"...review by $\overset{*}{5}$ subcommittees..."
20/483	9	"	"...reason __,that..."	"...reason, that..."
20/485	9	"	"...qulaity..."	"...quality..."
20/493	9	"	"...new Federalism..."	"...New Federalism..."
21/508	9	"	"...nonenforcement..."	"...nonenforcement..." [1]
21/511	9	"	"...we have mae..."	"...we have made..."
21/514	10	"	"...in th view..."	"...in the view..."
21/520	10	"	"...undre..."	"...under..."
21/522-524	10	"	"So the two parties have not always agreed to precise approaches but they seem to accept a clear desire of the American people to see the environment protected."	"So the two parties have not always agreed to precise approaches, but they seem to have accepted a clear desire of the American people to see the environment protected."

[1] Typesetter hyphenated this word; correction written on galley to delete hyphen and change to one word.

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
21/525	10	Moffett	"...shows it. Overwhelming support..."	"...shows overwhelming support..."
22/527	10	"	"...sbecuase..."	"...because..."
22/528-529	10	"	"...the Love Canals, and they have not forgotten the lessons of Love Canals."	"...the Love Canal, and they have not forgotten the lessons of Love Canal."
22/532	10	"	"Todya..."	"Today..."
22/533	10	"	"...vievw..."	"...view..."
22/535	10	"	"Throughout these two days of hearings those of us who serve on these four subcommittees..."	"Throughout these 2 days of hearings those of us who serve on these five subcommittees..."
23/357	10	Walker	"...sdaid..."	"...said..."
23/565	10	Waxman	"...Mr. Chairman.."	"...Mr. Chairman."
23/574	11	Winn	"..., and I quote,"	"..., and I quote:"
24/576	11	"	"...particulur..."	"...particular..."
24/579-581	11	"	"...antiadministration..."	"...antiadministration..." [1]
24/580	11	"	"...candidates on November the 2nd."	"...candidates in November."
24/594	11	"	"We have never until now allowed..."	"We have never, until now, allowed..."
24/598	11	"	"...Science Subcommittees,..."	"...Science subcommittees,..."
25/613	11	Moffett	"Well, you know it is interesting, our subcommittee members..."	"Well you know it is interesting that our subcommittee members..."

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[1] Typesetter hyphenated this word; correction written on galley to delete hyphen and change to one word.

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
26/634	12	Scheuer	"...congressinal delegate to the tenth anniversary..."	"...congressional delegate to the 10th anniversary..."
26/646	12	"	"...enviroment..."	"...environment..."
26/650	12	"	"...Chair, there a 60 percent cut in real dollar fudning proposed by this Administration and a 30 percent cut in personnel..."	"...chair, there a 60-percent cut in real dollar funding proposed by this Administration and a 30-percent cut in personnel..."
27/655	12	"	"...Science Advisory Board blasted the agency's..."	"...science advisory board blasted the Agency's..."
27/657	12	"	"...milestones..."	"...milestones..." [1]
27/669	12	"	"...between the Executive Branch..."	"...between the executive branch..."
27/671	12	"	"...between the Executive Branch..."	"...between the executive branch..."
28/685	12	Moffett	"...miority...Agricultural--..."	"...minority...Agriculture Subcommittee..."
29/709	13	Carney	"...member..."	"...Member..."
30/741	13	Gore	"...colleagye..."	"...colleague..."
31/756	14	--	"[The statement of Mr. Gore follows:]"	"[Mr. Gore's prepared statement follows:]"
32/764	18	--	"[The information follows:]"	"[Mr. Waxman's opening statement follows:]"
33/775	19	Walker	"...environment,..."	"...environment..."
33/779	19	"	"...agency..."	"...Agency..."
34/796	19	"	"...demand..."	"...demand,..."
34/798	19	"	"I have been a member of Congress for six years now."	"I have been a Member of Congress for 6 years now."
34/804-806	19	"	"Many members of the other party know that I am willing to take part in reasonable hearings and participate critically."	"Many members of the other party know that I am not willing to take part in reasonable hearings and participate critically."

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[1] Typesetter incorrectly broke this word at the margin; correction written on galley.

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
34/813	19	Walker	"...changes..."	"...chances..."
35/823	19	"	"...abbrogated..."	"...abrogated..."
35/839	20	"	"...witch-hunters..."	"...witch hunters..."
36/843	20	"	"...presidential..."	"...Presidential..."
36/847	20	"	"..., at 3:00 o'clock,..."	"..., at 3 o'clock,..."
36/860	20	"	"...no chane..."	"...no chance..."
36/862	20	"	"...the agency..."	"...the Agency..."
37/880	20	"	"...five-ring circus..."	"...5-ring circus..."
37/882	20	"	"...administrator because her views are different than yous..."	"...Administrator because her views are different than yours..."
38/895-897	21	Gore	"No such request was made. I will provide to the Chair of this joint hearing a written memorandum."	"No such request was made."
38/899	21	Walker	"..., I think that demands a rebuttal,..."	"..., I think that demands a rebuttal."
38/900	21	"	"Mr. Chairman. My staff..."	"Mr. Chairman, my staff..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
38/905-906	21	--	"STATEMENT OF THE HONORABLE PATRICK J. LEAHY, A UNITED STATES [1] SENATOR FROM THE STATE OF VERMONT"	"STATEMENT OF HON. PATRICK J. LEAHY, A SENATOR IN CONGRESS FROM THE STATE OF VERMONT"
38/907	21	--	"Senator LEAHY."	"Mr. LEAHY."
38/910-911	21	Leahy	"...candidate for the United States Senate..."	"...candidate for the U.S. Senate..."
38/912	21	"	"...presidency..."	"...Presidency..."
38/914	21	"	"...ad infinitum, forever."	"...ever."
39/917-918	21	"	"...joint hearings like these are good things. They may be a wee bit rocky starting, but they are good things."	"...joint hearings like these are a good thing. They may be a wee bit rocky starting, but they are a good idea."
39/920	21	"	"...the same thing."	"...the same matter."
39/929-933	21	"	"My concern that good environmental legislation passed with bipartisan support over the last 20 years, heavy support of both Republicans and Democrats, with strong bipartisan support through the public, is being repealed in a back-door way simply by not enforcing it."	"My concern is that good environmental legislation passed with bipartisan support over the last 20 years, support, and strong public support, is being repealed in a back-door manner by not enforcing it."
39/939	21	"	"...law enforcement staffing..."	"...law enforcement and staffing..."
40-41/960, 967, 969, 973, 979, 984, and 988	22	"	"1. 2. 3. 4. 5. 6. and 7."	'One, Two, Three,, Four, etc."
41/968-969	22	"	"...reorganization every 11 weeks. For six of the last 13 months,..."	"...reorganization on an average of every 11 weeks. For 6 of the last 13 months,..."

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[1] Term "U.S." abbreviated in galley; correction written up to delete it.

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
41/974	22	Leahy	"...four months..."	"...4 months..."
41/977-978	22	"	"...what function should (the Office of Legal and Enforcement Counsel) manage."	"...what function should--the Office of Legal and Enforcement Counsel--manage."
41/983	22	"	"...nation..."	"...Nation..."
41/984	22	"	"...six..."	"...6..."
42/1002	23	"	"..."riffed"..."	"...riffed..."
42/1005	23	"	"...three years..."	"...3 years..."
42/1012	23	"	"...Congress'..."	"...Congress..."
43/1025	23	"	"...so..."	"...to..."
43/1034	23	--	"[The statement of Senator Leahy follows:]"	"[Mr. Leahy's prepared statement follows:]"
44/1038-1039	45	--	"STATEMENT OF THE HONORABLE DANIEL PATRICK MOYNIHAN, A UNITED STATES [1] SENATOR FROM THE STATE OF NEW YORK"	"STATEMENT OF HON. DANIEL PATRICK MOYNIHAN, A SENATOR IN CONGRESS FROM THE STATE OF NEW YORK"
44/1044-1047	45	Moynihan	"..., it is unavoidable that this joint committee hearing that you are sharing with this committee will inquire into the conduct of the Administrator of the Environmental Protection Agency. I think it unfair,..."	"..., and unavoidable, that this joint committee hearing will inquire into the conduct of the Administrator of the Environmental Protection Agency; I think it's unfair,..."
44/1049	45	"	"...supplement..."	"...summarize..."
44/1050-1051	45	"	"...Mr. Chairman, I will submit prepared testimony that I have--"	"...Mr. Chairman, and I will submit my prepared testimony for the record."

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[1] Term "U.S." abbreviated in galley; correction written up to delete it

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
44/1053	45	Moynihan	"In the briefest form and emphasize..."	"Let me emphasize..."
44/1055	45	"	"...hore and..."	"...here, and..."
44/1057-1058	45	"	"...that we are seeing an effort to..."	"...is an effort to..."
44/1059	45	"	"...purpose..."	"...purposes..."
45/1061	45	"	"...of..."	"...at..."
45/1063	45	"	"...specifics from other areas of the activities of the Committee..."	"...specific examples from other areas of the Agency's activities."
45/1065	45	"	"...the program is..."	"...the Superfund program is..."
45/1066-1067	45	"	"Following the Love Canal, discovery of the Love Canal situation,..."	"Following the discovery of the Love Canal situation,..."
45/1067-1071	45	"	"...both houses moved forward, we were both involved in the legislation to create the Superfund, as it is called, a fund provided by a tax on a limited number of toxic chemicals, a rather efficient tax, it is easily collected, there are few producers."	"...both houses of Congress moved forward. We were both involved in the legislation to create the Superfund, as it is called, a fund provided by a tax on a limited number of toxic chemicals. A rather efficient tax, one that is easily collected because there are few producers."
45/1071-1072	45	"	"That makes it possible when a toxic situation is discovered to act..."	"Superfund makes it possible, when a toxic situation is discovered, to act..."
45/1075-1076	45	"	"That can take five, 10 years if it on the occasion can ever be learned."	"Litigation can take 5, 10 years, and on occasion the responsible party can never be found."
45/1077-1078	45	"	"That fund in Fiscal Year 1983 will have $583, $582 million in it."	"The Superfund trust fund in fiscal year 1983 will have $582 million in it."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
45/1078-1079	45	Moynihan	"The EPA has committed a mere--obligated a mere $70 million."	"To date the EPA has committed or obligated a mere $70 million on actual Superfund cleanup projects."
45/1079-1081	45	"	"Not one penny has yet been spent in Love Canal, if you would take, not for the purpose of parochial instance but rather the issue begins at Love Canal."	"Not one penny has yet been spent in Love Canal; if you would take it as an example, not for the purpose of parochial instance but rather because the issue begins at Love Canal."
45/1083	45	"	"Not a nickel has come from EPA for Love Canal."	"Not a nickel has come from Superfund for Love Canal."
45/1084-1085	45	"	"...in the long run more damaging is they..."	"...in the long run more damaging, they..."
46/1093	46	"	"Representative Scheuer spoke of a 60 percent decline."	"Representative Scheuer spoke of a 60-percent decline in EPA's research budget."
46/1094-1096	46	"	"What you don't know can only hurt other people, and does not involve you in any means at all."	"In this case what you don't know can only hurt other people."
46/1096-1097	46	"	"And there is one specific, and with this I would end my remarks."	"Let me be specific, and with this I would end my remarks:"
46/1100-1101	46	"	"...in the most general sense, have the least interest in legislation, per se, little given to..."	"...in the most general sense, little given to..."
46/1103-1105	46	"	"It has been around for 40 years, does first-rate work on specific subjects."	"It has been around for 34 years, does first-rate work."
46/1106-1110	46	"	"...for the first time in an act of an extraordinary departure from its previous practice, it has published its own book, State of the Environment 1982, and asked why did we do this, because the Environmental Protection Agency won't do it."	"...for the first time, in an act of an extraordinary departure from its previous practice, the Conservation Foundation has published its own book, State of the Environment 1982. Why did they do this. They did it because the Environmental Protection Agency won't do it."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
47/1111	46	Moynihan	"...from their cooperation with government agencies, their encouragement of government agencies."	"...from the Foundation's cooperation with Government agencies, their encouragement of Government agencies."
47/1115-1117	46	"	One of the most worrisome new directions of Federal policy is a significant reduction in environmental research and a discontinuance of many public information services.	"One of the most worrisome new directions of Federal policy is a significant reduction in environmental research and a discontinuance of many public information services."
47/1119	46	"	"...in the history of conservation, environmental moment."	"...in the history of the conservation movement."
47/1119-1121	46	"	"It has become a principle of the EPA that what they don't know, what we don't know won't hurt them."	"It has become a principle of the EPA: what they don't know, what we don't know, won't hurt them."
47/1123	46	--	"[The statement of Senator Moynihan follows:]"	"[Mr. Moynihan's prepared statement follows:]"
48/1128-1132	54	Leahy	"I think the point Senator Moynihan makes, the necessity of having the Conservation Foundation issue this report, something that the government agency should have done, underscores what is going on here because the public has to know, has to know what is going on here."	"I think the point Senator Moynihan makes, concerning the fact that the Conservation Foundation had to issue this report, which should have been issued by the Council on Environment[1] Quality, underscores what is going on here. The public has a right to know what is going on here."
48/1133	54	"	"...means..."	"...mean..."
48/1143	54	"	"Lastly,..."	"Last,..."
49/1155	54	--	"Senator MOYNIHAN."	"Mr. MOYNIHAN."
49/1156-1157	54	Moynihan	"We got that here, I don't want to..."	"I don't want to..."

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[1] Typesetter misspelled this word; correction written on galley to correct it.

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
49/1158	54	Moynihan	"...sir, we had to dynamite that report out of EPA."	"...sir, we had to dynamite the Love Canal environmental monitoring report of of EPA."
49/1159-1163	54	"	"In May 1982 I had t go to our chairman, Senator Stafford, Mr. Leahy's colleague, and Mr. Randolph of West Virginia, and get the two of them and myself to sign a letter to the Administrator saying, now, it is 16 months late."	"In June 1982 I had to go to the*** chairman, Committee on Environment and Public Works, Senator Stafford, Mr. Leahy's colleague from Vermont, and Mr. Randolph of West Virginia, and get the two of them to join me in signing a letter to the EPA Administrator. The letter said the Love Canal report was 18 months late and asked that a specific release date be set."
49/1166-1167	54	"	"I can say when we did in July get the report the cover was dated May."	"I can say when we did, in July, get the report the cover was dated May 1982."
49/1169-1170	54	"	"There was exactly, as you say, the --we were told at the time that $7 million would be forthcoming."	"We were told at the time that $7 million in Superfund moneys would be forthcoming."
50/1178-1179	54	"	"They announced a commitment of $4 million for the cleanup project."	"EPA announced a commitment of $4 million in Superfund moneys****** for the Love Canal cleanup project in July 19[illegible]."
50/1182	55	Hiler	"...USPA..."	"...USEPA..."
50/1187	55	Moynihan	"...was made July 16, 1981 and..."	"...was made July 16, 1981,* and..."
50/1188-1189	55	"	"It turned over only when we raised hell, which is an odd way to proceed on an understood project."	"The Love Canal environmental monitoring report was turned over only when we raised a tremendous clamour, which is an odd way to proceed on an understood project."
50/1194	55	Hiler	"...to be sure how we spend our money is effective and ought to work."	"...to be sure that how we spend our money is effective and ought to work."
50/1197	55	Scheuer	"In deference to time and we are under pressure,..."	"In deference to time, and we are under pressure,..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
51/1202-1203	55	Scheuer	"...our environmental agency's..."	************* ******** "...our Environmental Agency's..."
51/1206	55	"	"...members of Congress..."	"...Members of Congress..."
51/1217	55	Leahy	"I have come to the conclusion to at least start looking at it."	"I have come to the conclusion that we, at least, must start looking at it."
51/1219	55	"	"...members of both sides..."	"...Members of both sides..."
51/1223-1224	55	"	"We are looking at the--at our country, hat we leave to our children..."	"We are looking at not only our country today, but what we leave to our children."
52/1234	55	Scheuer	"Jus..."	"Just..."
52/1238	56	"	"Senator Moynihan?"	"Senator Moynihan."
52/1244	56	Moynihan	"...really scientific administrators..."	"...scientific administrators..."
52/1246	56	"	"...sun shines..."	"...Sun shines..."
52/1247	56	"	"We are in a much mre difficult,..."	"We are into much more difficult,..."
53/1250	56	"	"While you alternate between those who use--I guess I have to..."	"I guess I have to..."
53/1253	56	"	"..., as for example,..."	"..., for example,..."
54/1282-1283	56	Leahy	"..., I have not--my study has been on the enforcement at the Federal level."	"..., the study I am releasing today is on the enforcement at the Federal level."
54/1283-1284	56	"	"I hear great talks of all these huge staffs avaialable to be poking into these things."	"I hear great talks of all these huge staffs being available at the State level into these things."
54/1284-1287	56	"	"Most of the work involved myself or Mr. Cubey, on my staff, I thought being a member of the Federal body it behooved me first to look at that. I thought the states had some..."	"The States have some..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
54/1292	56	Schneider	"...speed-up..."	"...speedup..."
54/1295-1299	56	Leahy	"I would be happy to give you some of the things. Oklahome speaking about a detailed review of the measures, savings to Oklahoma due to implementation of these measures would be very small. Similar things all the way down through."	"This study shows that cuts in State assistance will cause real cuts in environmental protection."
55/1314	57	"	"Yes. There is no question..."	"Yes; there is no question..."
55/1320	57	"	"...who once said..."	"...who once said,..."
55/1322	57	"	"...hobglobbin..."	"...hobgoblin..."
56/1334-1335	57	Moynihan	"Mr. Chairman, that you would present the Administrator with, you have cut your research funds by 60 percent."	"Mr. Chairman, that you would present the Administrator with the central issues, such as a cut in research funds by 60 percent."
56/1337	57	"	"Do you realize we have laws here?"	"Do you realize we have laws here? To the Administrator I say:"
56/1338	57	"	"...government..."	"...government..." [1]
56/1343-1344	57	"	"If you make it the question of recognition, then do I accept..."	"If you make it the question of recognition, that is do I accept..."
56/1345	57	"	"...ought to..."	"...ought to..." [2]
56/1346	57	"	"...does come up and ought first of all..."	"...does come up and it ought first of all..."
56/1365-1366	58	"	"Yes, it has. By a majority on our side, which seems to share some of her views, though I don't want--..."	"Yes, it has; by a majority on our side, which seems to share some of her views."
58/1381-1383	58	Leahy	"The budget does not allow the enforcement, adequate enforcement, of the laws on the books."	"The budget does not allow adequate funds for the enforcement of the laws on the books."

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[1] Typesetter uppercased this word; correction written on galley to lowercase.

[2] Typesetter inserted second "to"; correction written on galley to delete it.

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
58/1389-1390	58	Leahy	"The other thing, at least in the material we have been able to get, her presentation to OMB was certainly different to her presentation to the Congress..."	"The other point I want to emphasize is that her presentation to OMB was certainly different from her presentation to the Congress..."
59/1400	58	Carney	"...agency head or secretary,..."	"...agency head or Secretary..."
59/1421	59	Moffett	"Our next witnesses are environmental panel, Honorable..."	"Our next witnesses are an environmental panel, Hon...."
60/1435-1441	59	--	"TESTIMONY OF GAYLORD NELSON, CHAIRMAN, THE WILDERNESS SOCIETY; RUSSELL PETERSON, PRESIDENT, NATIONAL AUDUBON SOCIETY; MARGARET TILESTON, TREASURER, BOARD OF DIRECTORS, SIERRA CLUB; MERILYN REEVES, SECOND VICE PRESIDENT, LEAGUE OF WOMEN VOTERS; AND GEORGE WOODWELL, MEMBER, BOARD OF DIRECTORS, NATURAL RESOURCES DEFENSE COUNCIL TESTIMONY OF RUSSELL PETERSON"	"STATEMENT OF RUSSELL PETERSON, PRESIDENT, NATIONAL AUDUBON SOCIETY"
61/1455	59	Moffett	"If I might interject a lot of us..."	"If I might interject, a lot of us..."
61/1465	59	Peterson	"...our nation's..."	"...our Nation's..."
61/1471	59	"	"..."flexibility" and "pragmatism"..."	"...flexibility and pragmatism..."
62/1484	60	"	"...for the agency..."	"...for the Agency..."
62/1485	60	"	"Yet she fails to..."	"Yet, she fails to..."
63/1500	60	"	"...than two years ago--..."	"...than 2 years ago--..."
63/1512	60	"	"..."only"..."	"...only..."
63/1515	60	"	"..."vigorous"..."	"...vigorous..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
63/1519	60	Peterson	"...hard-pressed..."	"...hardpressed..."
63/1524	60	"	"...hard-core..."	"...hardcore..."
64/1529	60	"	"...with the States".	"...with the States."
64/1537	60	"	"...Federal revenue-sharing..."	"...Federal revenue sharing..."
64/1544	61	"	"...of air, water and toxic pollution..."	"of air, water, and toxic pollution..."
64/1546-1547	61	"	"...1960s...1970s..."	"...1960's...1970's..."
65/1556	61	"	"...constant reorganization and administrative turmoil."	"constant reorganization, and administrative turmoil."
65/1560	61	"	"...clean-up..."	"...cleanup..."
65/1562	61	"	"..."progress"..."	"...progress..."
66/1577	61	"	"..."improve agency science"..."	"...improve agency science..."
66/1582	61	"	"...the congress..."	"...the Congress..."
66/1586	61	"	"...563 percent..."	"...53 percent..."
67/1612-1613	62	"	"If the committee would approve, I would like to submit the relevant EPA portions of that document for the record."	--
67/1614	62	Moffett	"Without objection."	--
68/1639	62	Peterson	"...at the duPont Company."	"...at the Du Pont Co."

PREPARED STATEMENT OF GAYLORD NELSON, CHAIRMAN, THE WILDERNESS SOCIETY

Mr. Chairman, I am Gaylord Nelson, Chairman of the Wilderness Society, a national conservation organization.

This hearing is important as part of the educational process to inform the American public of the disastrous consequences of this Administration's environmental policies.

Tragically, at this precise moment in history when the circumstances demand not just a continuation of past constructive policies, but a vigorous expansion of our address to the whole spectrum of resource issues, we have an Administration that is turning the clock back because it is either blind to the problem and ignorant of the consequences or recklessly prepared to dissipate the resources of future generations for short-term political gain and illusory economic benefits.

We are witnessing a wholesale dismantling of the environmental achievements and gains of the past decade and a half. It is being done by a series of executive and administrative actions without review by Congress and beyond the view of the public. Their techniques and tactics involve non-enforcement, weak enforcement or perverse enforcement of the law by administrators and lawyers who were appointed for the specific purpose of frustrating the will of Congress and the vast majority of the people as repeatedly expressed through public opinion polls.

Under the guise of getting rid of unnecessary rules and regulations, they are undermining the capacity of the private sector to comply with the law.

By massive budget cuts they have seriously crippled the Environmental Protection Agency, and their proposed budget for next year will effectively destroy its capacity to administer and enforce the major responsibilities within its jurisdiction.

In an early warning eight months ago, Chemical Week, a McGraw-Hill publication, an industry magazine, carried an editorial titled, "We Need a Credible EPA." The editorial stated, in part: "* * * and the prospect of deep and continuing budget cuts in the face of a growing workload has hurt morale throughout the agency.

"Normally, the sight of a regulatory agency in turmoil is not calculated to bring tears to industry's eyes. But an ineffective EPA is not what the chemical industry needs. What it needs and what it expects from the Reagan Administration is an agency that will discharge intelligently its responsibility to the American people. That means cleaning up and protecting the environment. . . . Without an effective EPA, industry's contribution to pollution, which has been diminishing, is bound to grow again. In the long run, the American people will not stand for that."

In another article in the same issue, *Chemical Week* stated in part:

"Indeed, Senator Stafford said during the last weeks hearing that if the Agency's budget is cut as much as is planned, 'I do not believe that the EPA can continue to function.' Decreases of such a magnitude, he said, 'could amount to de facto repeal of some environmental laws.' And he said he favored their repeal, rather than perpetuating 'a cruel hoax on the American people.' "

These are words from a conservative industry journal—these are the words of a respected Republican United States Senator, Chairman of the Senate Committee on Energy and Public Works.

These are not the words of those "environmental extremists" that Interior Secretary Watt regularly attacks as part of his daily ritual. They are simply the straightforward comments of respected spokesmen from the conservative side of the environmental ledger.

The laws administered by the EPA cut across the panorama of the whole environmental thrust of the past two decades—laws carefully considered and passed by ten Congresses and signed by five Presidents with overwhelming public support.

A simple tabulation of the laws administered by the EPA tells the story—the Clean Water Act, the Clean Air Act, the Toxic Substances Control Act, the Hazardous Wastes Act, the Pesticide Control Act, the Safe Drinking Water Act, the Compensation and Liability Act.

Five months ago, Russell Train, President of the World Wildlife Fund, wrote an article published in the Washington Post entitled, "The Destruction of the EPA." Judge Train is a conservationist with a distinguished national reputation. He was administrator of the Environmental Protection Agency under Presidents Nixon and Ford. Indeed, his Republican credentials are impeccable. Here is what Mr. Train had to say, in part:

"The Environmental Protection Agency is rapidly being destroyed as an effective institution in the federal government. Current and planned budget and personnel cuts, if continued, will inevitably reduce the Agency to a state of ineffectualness and demoralization from which it is unlikely to recover for at least 10 years, if ever. . . . As one who served two Republican Administrations from 1969 to 1977 and who voted for President Reagan, I must record my profound concern over what is happening at EPA today. The budget and personnel cuts . . . will destroy the Agency as an effective institution for many years to come. Environmental protection statutes may remain in full force on the books, but the agency charged with their implementation will be a paper tiger."

What is at stake here is mind-boggling in its implications and, as of now, only superficially appreciated by Congress and the public. This is so because the budget process is being widely used as an instrumentality for de facto repeal of laws without congressional debate or thoughtful public dialogue. Only when it is all over with and irreparable damage is done, only then, too late, will society be presented with an environmental debt too large ever to pay.

The Administration's broadside attack on the nation's environmental achievements is all being done under the guise of getting the government off your back and under the illusion that it will help balance the budget and get the economy going again. Ironically and tragically, their policies will achieve none of the above. Indeed, they will exacerbate exponentially the very problems they seek to cure.

Recently I spoke at a conference organized around a theme entitled, "The Economy or the Environment, Need We Choose?" That is a question increasingly raised in recent months. Those who would dramatically weaken environmental protection claim we must choose. They are dead wrong by every rational standard of measurement.

When we use the word "environment," I assume we use it in its broadest context to include all physical resources—air, water, soil, minerals, forests. They are all part of the environment and inseparable from it. The appropriate generalization to be made, I think, is that the economy and the environment are inextricably intertwined. But it is vital to understand that while you can have a country rich in its resources with a poor economy, you cannot have a rich economy in a country poor in its resources or its access to them. That, I assume, is axiomatic. Jeremy Rifkin recently stated the proposition simply and clearly as follows in one sentence: "The ultimate balancing of budgets is not within society but between society and nature." By "nature," of course, he is referring to all of our natural resources.

Dozens of examples easily come to mind which demonstrate the universality of the principle involved in Mr. Rifkin's statement. One or two briefly stated make the case—air and water.

There is a national controversy over the Clean Air Act with the Administration seeking to weaken it and conservationists with others seeking to strengthen it.

What do we mean by clean air and clean water? What general principles should guide us in setting air and water quality standards? It would seem obvious that the standards should be set at a level that will assure that neither air nor water pollution will impair health or result in any significant adverse ecological damage. We are a long way from achieving that standard.

Will it cost too much to achieve that standard? That is the way the question is usually formed. The proper way to test the question is to ask how much will it cost society not to meet that standard? The answer is that we can pay the cost of meeting the standard, but there is no way for future generations to pay for our failure.

All across the nation, fresh water lakes are being sterilized, made lifeless, by acid rain caused by sulphur oxides from burning fossil fuel and nitrogen oxides from auto emissions. Some three hundred lakes have been rendered sterile in the Adirondacks in New York, and thousands of others are being degraded in Canada, the Rocky Mountains, Wisconsin, Minnesota and elsewhere.

Can anyone tell us what the monumental economic and recreation loss to the nation will be unless we move now to save our lakes from acid rain?

What is the economic value of the protein sources in the oceans, the water in our rivers and our vast supply in subsurface aquifers that serve our farms, cities and industries? Has that been factored into the economic equation in the debate over clean water standards or hazardous wastes?

Is it not cheaper to clean up the Mississippi River and keep it clean than to leave it dirty so that every city and every village and every industry from Minneapolis to the Gulf of Mexico takes out dirty water, launders it and returns it polluted again?

These and one hundred other questions can be asked, and every time—every time—the answer will be that it is far better for the economy and cheaper to maintain a clean environment than a dirty one.

In the short run, some very insignificant temporary benefit to the economy might result from relaxed environmental standards, but it would be dangerous and enormously expensive. If we do that, it simply means we are borrowing capital from future generations and counting it on the profit side of the ledger.

Quite apart from the ethical questions involved, there is simply no way that a future generation could replace the capital we now borrow from them because they cannot restore a polluted ocean, a polluted lake or the great Ogallala Aquifer.

If the Administration's budget is approved by Congress, the EPA's capacity to perform vital research, set intelligent standards and comply with the mandate of Congress will be disastrously compromised, if not, indeed, destroyed.

The budget that pays for research outside EPA (20 percent of the 1981 Agency budget) will be cut by over 55 percent. This means an abrupt loss to the field of roughly 1,500 senior researchers and 4,000 to 5,000 of their associates in university laboratories and the loss of the continuity of data bases. If the country decides several years hence it wants to regenerate its environmental research capacity, it will take two to three years to work that decision through the federal budget process and rebuild the structure of EPA supervisors and scientists capable of managing private research grants and contracts. Then it will take several more years for the universities to hire the senior researchers and then junior staff and graduate students, and to negotiate and actually perform the needed research. A decision to rebuild in 1984 would not get a flow of research results equivalent to the present program until 1990.

This budget's fourfold increase in workload per employee (twice the work, half the workers) means that EPA must lose enforcement capacity and credibility with both the states and industry. It simply won't be able to cover the ground. In hazardous waste, for example, the Reagan budget would cut the 1981 workforce (then devoted to start-up planning) by 33 percent just as the program must start dealing with its 120,000 firms in the field. Once people stop believing EPA is serious about pollution control, it will be caught in a downward spiral. The smaller inspection force will be undermined by the fact that less people will voluntarily obey EPA rules, thus increasing the workload for EPA.

These consequences tend to reinforce one another. For example, the loss of scientific capacity hurts enforcement, and the loss of credibility in both fields further adds to the Agency's demoralization and consequent loss of the core of excellent, spirited civil servants that have grown with the Agency since its creation in the early 1970's. EPA has already lost or is now losing the cream of its senior civil service—the core of key people with the expertise, wisdom and respect that are critical to any large institution. Most joined the Agency during the Nixon and Ford years of the Agency's start-up growth and could not possibly be replicated for many years.

The Administration is requesting a major cut for EPA. In 1981, the EPA budget was $1,353 million. Now the budget request is $961.4 million, which in real dollars is

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
69/1651	62	Peterson	"..."burdened"..."	"...burdened..."
69/1661	62	"	******************** "...anti-environmental..."	"...antienvironmental..."
71/1672	74	Hiler	"...I suppose at you,..."	"...I suppose to you,..."
71/1678	74	"	"You then have said..."	"You then said..."
71/1680	74	"	"...gotten a hold of..."	"...obtained..."
71/1681	74	"	"...tyhe..."	"...the..."
71/1688	74	Peterson	"...50 some pages..."	"...50-some pages..."
72/1696	74	Hiler	"Okay."	"OK."
72/1702-1704	75	"	"...the EPA report that has not been made public, that you gained somehow, and that you were putting that in for the record."	"...the EPA report that has not been made public, which you had gained somehow."
72/1713	75	Peterson	"Certainly we have been..."	"Certainly, we have been..."
73/1725	75	Moffett	"How about the--you are..."	"You are..."
73/1731	75	Peterson	"I brought along this report, too,..."	"I brought along this report too,..."
74/1746	75	Moffett	"Mr. Hiler?"	"Mr. Hiler."
75/1776	76	Hiler	"...appears to be an increase, and, in fact..."	"...appears to be an increase; but, in fact..."
75/1783	76	"	"...for hazardous waste..."	"...for the hazardous waste..."
76/1796	76	"	"...than two years ago."	"...than 2 years ago."
76/1800	76	"	"...about one percent a month..."	"...about 1 percent a month..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
76/1811	76	Peterson	"let me just point out,..."	"Let me just point out,..."
76/1812	76	"	"...one hell..."	"...one heck..."
77/1832-1833	77	"	"...one percent...one percent..."	"...1 percent...1 percent..."
79/1873-1875	77	Hiler	"If you want to talk about the fact that the number of man years budgeted, which would come about if you started to rehire people, if you want to say that is too low, that is one thing."	"If you want to talk about the fact that the number of man years budgeted, which would be affected if you started to rehire people, is too low, that is one thing."
79/1877	78	"	"...it is not..."	"...is not..."
79/1888	78	Scheuer	"...U.N...."	"...United Nations..."
80/1900	78	"	"I will have some questions for you in writing."	--
80/1901	78	--	"[The information follows:]"	--
81/1918	78	Nelson	"...initiative..."	"...initiated..."
81/1920	78	"	"In 32 years, 32 years in public office..."	"In 32 years in public office..."
82/1935	79	"	"...Administration..."	"...administration..."
82/1938	79	"	"...Administration..."	"...administration..."
82/1939	79	"	"...assistant secretary..."	"...Assistant Secretary..."
82/1941	79	"	"...Administration..."	"...administration..."
82/1945	79	"	"...Administration's evnironmental..."	"...administration's environmental..."
82/1949	79	"	"...Administration..."	"...administration..."
83/1961-1962	79	"	"...weak enforcement or..."	"...weak enforcement, or..."
83/1975	79	"	"...eight months ago..."	"...8 months ago..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
84/1986	79	Nelson	"...Administration..."	"...administration..."
84/1987	79	"	"...American people..."	"...American people."
85/2003	80	"	"...United States..."	"...U.S...."
85/2004	80	"	"...senator..."	"...Senator..."
85/2006-2007	80	"	"..."environmental extremists"..."	"...environmental extremists..."
85/2012	80	"	"...two decades..."	"...$\overset{*}{2}$ decades..."
85/2014	80	"	"...five Presidents..."	"...5 Presidents..."
85/2024	80	"	"...administrator..."	"...Administrator..."
86/2034, 2038	80	"	"...if ever...cuts...will..."	"...if ever***cuts***will..."
87/2053	80	"	"The Administration's...nation's..."	"The administration's...Nation's..."
87/2067	81	"	"...Administration."	"...administration."
87/2069	81	"	"...asume..."	"...assume..."
87/2071	81	"	"...water, soil, minerals, forests."	"...water, soil, minerals, and forests."
88/2083	81	"	"..."nature,"..."	"...nature,..."
88/2090	81	"	"...Administration..."	"...administration..."
89/2107	81	"	"...nation..."	"...Nation..."
89/2113	81	"	"...Wisconsin, Minnesota and elsewhere."	"...Wisconsin, Minnesota, and elsewhere."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
89/2116	81	Nelson	"...nation..."	****** "...Nation..."
89/2120	81	"	"...our farms, cities and industries?"	"...our farms, cities, and industries?"
90/2145	82	"	"...Administration..."	"...administration..."
90/2150	82	--	"[The statement of Mr. Nelson follows:]"	"[Mr. Nelson's prepared statement follows:]"
90/--	82-87	--	The following pages do not appear in transcript.	See next six pages.
90/2154	87	Schneider	"...your indulgence,..."	* "...your indulgence?"
91/2161	87	"	"...committees,..."	********* "...Committee,..."
92/2182	87	"	*** "...yur..."	"...your..."
92/2194-2195	88	Tileston	"Certainly the dramatic growth in membership that the Club has experienced over the last year and a half, people are concerned."	"Certainly the dramatic growth in membership that the Club has experienced over the last 1½ years, indicates people are concerned about what is happening to the environment."
92/2196-2199	88	"	"In fact, some write when they send in their memberships that we voted for Ronald Reagan...protection. I might..."	"In fact, some write when they send in their memberships saying "we voted for Ronald Reagan...protection." I might..."
92/2200	88	"	"...governor..."	"...Governor..."
93/2210	88	"	"...agency..."	****** "...Agency..."
93/2214	88	"	"...death, property damages and crop losses."	"...death, property damages, and crop losses."
93/2217	88	"	"...nation's groundwater..."	****** ***** "...Nation's ground water..."
93/2220	88	"	"...by 85- to 14 percent..."	"...by 85 to 14 percent..."
93/2222	88	"	"...by 93- to 4 percent..."	"...by 93 to 4 percent..."

$830 million. This is the wrong direction to be going. The polls show the American people want environmental protection and are still willing to pay for it.

In fact, EPA needs an $826 million increase over its fiscal year 1981 budget if it is to seriously provide field protection to the public against environmental toxics in 1983 and beyond.

WATER

One of the critical areas of concern in the water program is the effects of priority pollutants on water quality and the effects of hazardous pollutants. Much of the water quality criteria need to be redone with a better data base. Water quality research in being reduced from $61 million in FY 81 to $27.7 million in FY 83.

TOXICS

We know very little about what most chemicals do to living creatures. For some important health effects we have no tests at all. For others we have very expensive tests. For example, we have no scientific tests which are widely accepted by the scientific community for neurological and behavioral damage to children or adults. Nor do we know how toxics move or travel through the environment. R&D efforts in monitoring, risk assessment and multiple exposure are at a primitive stage technically. The Administration says the first round of tests is complete, yet there are many areas in which there are no tests for dealing with wastes in our air, land and water.

The toxics R&D budget has been substantially reduced in the area of development of improved testing methods.

SUPERFUND

The Administraton budget claims that a number of research projects have been completed. I would be interested to know the criteria for determining their definition of "complete."

Research in 1983 should focus on characterizing the behavior of chemicals in abandoned sites. We suggest that the Agency should do several intensive research studies to determine the most significant hazards. This would help engineers design the best way of cleaning up the sites.

AIR

The Administration budget for air research is 42 percent lower in purchasing power than it was in fiscal year 1981. This sharp reduction comes at just the time the research program should be attempting to understand the highly complex behavior and effects of literally hundreds of suspect chemicals—both alone and in combination—in the atmosphere and in our lungs. Virtually all current toxicological research addresses only the affects of a single chemical in a laboratory setting. We know that some toxic substances act in combination with others to produce more serious effects than either could alone, but we know almost nothing about how this occurs when organisms are exposed to varying and complex mixtures of toxic air pollutants, as they generally are in today's environment.

Moreover, as in the water program's toxics control effort, control of hazardous air pollutants creates an entirely new scale of problems in monitoring. EPA and the states do not have adequate equipment for monitoring airborne toxics. As a result, we do not know the seriousness of the problem across the country. In consequence, EPA cannot warn people of undue risk, nor can it use air quality mapping as an aid to enforcement. The level of research and development devoted to health effects and monitoring for air pollutants should be increased 27 percent to about $17 million. The Administration budget proposed $7.7 million to support that activity, down almost 50 percent in purchasing power from the FY 81 levels.

STATE GRANT SUPPORT

Despite the Administration's proclaimed intention to turn most environmental protection responsibilities over to the states, their budget would cut support to states by 36.5 percent in just two years—from 1981's $272.4 million to $172 million. The "traditional" pollution programs are already largely delegated to the states, and grants must be continued at current levels if the hard-pressed states are to continue to carry this load.

Now let us look more closely at some of the consequences of the Adminstration budget for EPA and for the environment in the following areas:

HAZARDOUS WASTE

There are between 14,000 and 20,000 hazardous waste facilities in this country (no one knows the precise number). EPA is required by 1976 legislation to review the design and operation of each one, licensing those that are safe, closing those that are not. With the staff proposed in the budget proposal, the job could not be finished for ten to fourteen years. It would actually take longer because, with enforcement personnel cut by 45 percent from pre-implemenation 1981 levels, the affected companies won't cooperate as EPA assumes because they can't believe their competitors are really being made to comply. If the public wants the hazardous waste site near them at least visited within five years, the hazardous waste program budget will have to increase $82 million over the 1981 inflation-adjusted budget of $167 million. This increase does not include urgently needed research or assistance to the state agencies.

TOXIC CHEMICALS

Over 55,000 chemicals are used by industry, and 600 to 1,000 new chemicals are added to this number every year. We don't know how many are safe, but about 2,000 chemicals have been identified by EPA as potentially serious risks requiring individual risk evaluations. The 1983 Administration budget provides for detailed reviews of only 40 of these new chemicals in 1983. In all but name it stops the review of the 55,000+ existing chemicals. All new and all strongly suspect dangerous existing chemicals should be assessed, all those found dangerous regulated, and these regulations enforced. For EPA to evaluate only 100 existing and 200 new chemicals and then to establish and enforce rules limiting public risk from only 20 toxic substances would require the Agency's toxic substances control budget to be $225 million—$178 million excluding research and state grants. Translated for inflation to 1983 dollars, the 1981 budget was $132 million. The Administration budget provides only $72 million.

WATER QUALITY

After five years of research and regulation writing, EPA is finally ready to begin implementing Congress program to get toxic chemicals out of our water. This will require revising about 10,000 of the existing 40,000 water discharge permits for industries and municipalities, and working with states and localities to control roughly 40,000 plants discharging toxic wastes into city sewers. These toxic effluent permits are also typically more complex and time-consuming than the older water permits. In the face of this mushrooming workload, the proposed budget provides only enough resources for EPA to limit toxic discharges in 240 industrial permits and 71 municipal permits. The 7,500 largest direct discharges would be inspected only one every 20 years for enforcement purposes. Just to get toxic effluents under permit in ten years and to allow annual inspections of major sources would require increasing those parts of the EPA effort from $35 million in pre-workload increase 1981 to $71 million in 1983. The budget provides only $23 million. This workload/resource imbalance means the overall loss of water compliance credibility and therefore voluntary compliance.

AIR QUALITY

EPA has so far identified 37 chemicals as candidates for regulations as hazardous air pollutants. The Administration budget would allow only three to be reviewed in 1983. Even making the most unlikely assumption that no more will ever require review, it would take twelve years before we would know whether suspect substances we are now breathing require safeguards. In order to get the job done in four years would require an additional $7 million. Toxic air pollutant research, monitoring, field implementation by both EPA and the states, and enforcement require a further $67 million.

PESTICIDES

EPA has identified 520 active pesticide ingredients. Only 20 were evaluated in the last two years; 500 more ingredients remain plus any new ones that may be developed. The Administration budget proposes to evaluate 15 more ingredients in fiscal year 1983—more than the Agency has ever evaluated in a single year—while cutting resources in half from fiscal year 1981 levels. Even assuming that EPA successfully completes its evaluations at this rate, the remaining active chemical ingredients will not be evaluated until the year 2017, not counting any new chemicals that are developed. These substances are intentional poisons applied directly to what we eat. They also contaminate both our land and water. In order to evaluate these inherently dangerous substances in ten to fifteen years, the budget for this work should be increased $16 million over 1981 levels—a real purchasing power increase of roughly 30 percent.

Of the existing backlog of pesticide chemicals. EPA has identified 35 as posing a potentially unreasoanble risk for people or the environment. These chemicals require special analyses and have been placed on a so-called "fast track" evaluation process, which places the principal burdens of proof upon the manufacturer but which still requres time-consuming administrative hearings and laboratory audits. The backlog could be completed in two years with the addition of 38 staff members and an additional $6.8 million in contract money. The Administration budget cuts the staff by 25 percent and the program's purchasing power by 41 percent with the result that these potentially dangerous pesticides will remain in commercial use for about 6 more years.

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
94/2241	88	Tileston	"This deficit spending..."	"This type of deficit spending..."
94/2245	88	"	"...whopping tab."	"...whopping bill."
94/2246	88	"	"...an unpayable tab."	"...an unpayable one."
94/2250	88	"	"...oiut..."	"...out..."
95/2263	89	"	"...six months..."	"...6 months..."
95/2272	89	"	"...that EPA said, the CEQ..."	"...that EPA quoted, the Council on Environmental Quality..."
95/2274	89	"	"...State."	"...States."
96/2282	89	"	"...plaster..."	"...placer..."
96/2283	89	"	"...plaster..."	"...placer..."
96/2287	89	"	"...plaster..."	"...placer..."
96/2288	89	"	"...also, and for an industry..."	"...also--for an industry..."
96/2292	89	"	"...two years..."	"...2 years..."
96/2293	89	"	"90 percent..."	"Ninety percent..."
97/2302	89	"	"...by saying,..."	"...by saying:"
97/2311	90	"	"...of the 50 States."	"...of the 50 States:"
97/2312	90	"	"...and ?or..."	"...and/or..."
97/2326	90	"	"...state..."	"...State..."
98/2327	90	"	"...indicates..."	"...indicate..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
98/2328	90	Tileston	"...44 percent..."	"...44-percent..."
98/2328	90	"	"...for air, water and hazardous..."	"...for air, water, and hazardous..."
98/2332	90	"	"The counseller..."	"The counseler..."
98/2332	90	"	"...Massachusetts..."	"...Mass.,"
98/2338	90	"	"...groundwater."	"...ground water..."
98/2339-2340	90	"	"...that salt levels..."	"...that the salt level..."
99/2354	90	"	"...thirty-five of the 45..."	"...thirty-five of the forty-five..."
99/2367-2370	90	"	"..."Increased...cuts." These..."	"...Increased...cuts. These..."
99/2372	90	"	"...administrator's..."	"...Administrator's..."
100/2384	91	"	"...curtailled..."	"...curtailed..."
100/2386	91	"	"...power plant..."	"...powerplant..."
100/2388-2389	91	"	"...new federalism..."	"...New Federalism..."
100/2390-2391	91	"	"...healthful air, land and water."	"...healthful air, land, and water."
100/2396	91	"	"1. Increase..."	"One, increase..."
100/2396	91	"	"...inititaive..."	"...initiative..."
100/2401	91	"	"2. Increase..."	"Two, increase..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
101/2402	91	Tileston	"3. Enforcement..."	"Three, enforcement..."
101/2403	91	"	"4. Increase..."	"Four, increase..."
101/2406	91	"	"...os..."	"...is..."
101/2407	91	"	"5. Budget..."	"Five, budget..."
101/2418	91	--	"Mr. MOFFETT."	"Mr. MOFFETT." [1]
101/2424	91	Reeves	"...Second Vice President..."	"...second vice president..."
101/2426	91	"	"...a grass roots citizens..."	"...a grassroots citizens'..."
102/2427	91	"	"...with 1400 State and local Leagues nationwide."	"...with 1,400 State and local leagues nationwide."
102/2428	91	"	"...substantive concerns..."	"...substantive and procedural concerns..."
102/2434	92	"	"...decision-making."	"...decisionmaking."
102/2435	92	"	"...obsrevation..."	"...observation..."
102/2436	92	"	"..."regulatory reform"..."	"...regulatory reform..."
102/2441	92	"	"...Administration..."	"...administration..."
102/2446	92	"	"...regulations, enforcement, research and education--"	"...regulations, enforcement, research, and education--"
103/2452	92	"	"...Clean Air Act..."	"...Clean Water Act..."
103/2453	92	"	"...Act and the resource Conservation and Recovery Act."	"...Act, and the Resource Conservation and Recovery Act."
103/2454	92	"	"...agency-wide..."	"...agencywide..."

[1] Typesetter deleted this entry; correction written on galley to insert it.

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
103/2456	92	Reeves	"...Regulatory Agenda, is to "ensure...content." We..."	"...regulatory agenda, is to insure...content. We..."
103/2458-2466	92	"	"We received a communication from Peter Bibko that stated that the because "the public was left too little flexibility in determining the best means of gaining input into EPA's decision-making process," and in keeping with the new federalism, "States should have the flexibility to...participation." Well, as in..."	"We received a communication from Peter Bibko which stated that changes in the public participation policy were initiated because the public was left too little flexibility in determining the best means of gaining input into EPA's decisionmaking process, and in keeping with the New Federalism, States should have the flexibility to...participation. As in..."
103/2468	92	"	"...deifned..."	"...defined..."
103/2467	92	"	"Without specific public participation regulations..."	"Without specific regulations..."
104/2477	92	"	"...policies, the public will have no..."	"...policies governing public participation, the public will have no..."
104/2480	92	"	"Let me give you a particular case in point."	"Let me give you a specific example."
104/2480-2482	92	"	"That would be the prposed National Contingency Plan that is supposed to spell out procedures to implement Supoerfund."	"The proposed National Contingency Plan is supposed to spell out procedures to implement Superfund."
104/2483	92	"	"...the particular repsonse..."	"...the particular response..."
104/2485	92	"	"...decision-making..."	"...decisionmaking..."
104/2487	93	"	"There was a requirement called Public Relations, but EPA even dropped these provisions in the plan."	"There was a requirement in earlier draft versions of the plan called "Community Relations,"* but EPA even dropped these minimal provisions in the final plan."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
104/2490	93	Reeves	"...in development..."	"...in the development..."
104/2492-2493	93	"	"...volunteerism. With a requirement..."	"...voluntarism, with a requirement..."
104/2494-2496	93	"	"...for "well organized, worthwhile and safe use of volunteers." How does EPA intend these volunteers be used?"	"...for well organized, worthwhile, and safe use of volunteers. How does EPA intend to use these volunteers?"
104/2498	93	"	"...the cleanup of toxic waste dumpsites, is..."	"...the cleanup of toxic waste dumpsites is..."
104/2500-2501	93	"	"The possible important role for citizens is development to help in development of..."	"The most important role for citizens to play is in the development of..."
105/2502	93	"	"...lmited..."	"...limited..."
105/2503	93	"	"Incidentlaly..."	"Incidentally..."
105/2505	93	"	"...period..."	"...period,..."
105/2505	93	"	"...time_frame..."	"...timeframe..."
105/2509	93	"	"...February of 1982..."	"...February 1982..."
105/2511	93	"	"...League..."	"...league..."
105/2514	93	"	"...Procedures..."	"...Procedure..."
105/2515	93	"	"...an opportunity..."	"...any opportunity..."
105/2519-2520	93	"	"A clear disregard, we believe, of the intent of the Administration Procedures Act."	"Such actions were taken, we believe, in clear disregard of the intent of the Administrative Procedure Act."
105/2521	93	"	"...EPA suspended..."	"...EPA unilaterally suspended..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
106/2528	93	Reeves	********* ** "...without giving prior public knowledge or notice..."	"...without giving prior public notice..."
106/2531	93	"	"...quarterly groundwater monitoring by treatment, storage and disposal..."	"...quarterly groundwater monitoring recordings by treatment, storage, and disposal..."
106/2533	93	"	"Now, if the government does not collect such information_,..."	"If the government does not collect such information,..."
106/2539	93	"	"There are a number of examples where opportunity has been eliminated."	"There are a number of other examples where opportunities for citizen participation have been eliminated."
106/2540	93	"	"They have cut by one-third membership on advisory committees."	"EPA has cut by one-third membership on key advisory committees."
106/2541-2542	93	"	"There are fewer field hearings than in the past."	"Fewer field hearings are held than in the past."
106/2542-2546	93 94	"	"The monthly calendars--they used to be put out by regional offices that provided notice of citizen participation, and other periodicals such as the outstanding Environment Midwest and Environment News have been discontinued."	"The monthly calendars providing notice of citizen participation opportunities that used to be put out by regional offices, and other periodicals such as the outstanding Environment Midwest and Environment News, have been discontinued."
106/2550	94	"	"...obtained at..."	"...obtained from..."
107/2553	94	"	"We found it..."	"We find it..."
107/2554	94	"	"...information on..."	"...information at..."
107/2555	94	"	"...for exampole..."	"...for example..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
107/2555	94	Reeves	"...PCBs."	"...PCB's."
107/2559	94	"	"...initiated review..."	"...initiated a review..."
107/2560	94	"	"...all the public..."	"...all public..."
107/2561	94	"	"..."to ensure that..."	"..."to insure that..."
107/2562	94	"	"...Agency management. He stated..."	"...Agency management***" He stated..."
107/2565	94	"	"Well, an immediate visible result was a symbolic action, all the racks of public information materials were removed from the main entrance at EPA headquarters."	"In a symbolic action, all racks of public information materials were removed from the main entrance at EPA headquarters."
107/2568	94	"	"...two years..."	"...2 years..."
107/2568	94	"	"...concluced..."	"...concluded..."
107/2569-2570	94	"	"...materials and during this period of time no effort was made to gather outside comment..."	"...materials. No effort was made to gather outside comments..."
107/2571	94	"	"...publication..."	"...publications..."
107/2571	94	"	"...useful which needed..."	"...useful, which needed..."
107/2572	94	"	"..., which could be..."	"..., and which should be..."
107/2573-2576	94	"	"...such pieces as this: Groundwater Protection, which we have found to be particularly useful; and Acid Rain--a Growing Environmental Problem. One..."	"...such pieces as: "Groundwater Protection," which we have found to be particularly useful and "Acid Rain--A Growing Environmental Problem." One..."
108/2582	94	"	"...and it was reviewed..."	"...and was reviewed..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
108/2583-2585	94	Reeves	"...as well but presumably this piece has not passed EPA's political review because they now claim it is out of print."	"...as well, but presumably the piece did not pass EPA's political review because the Agency now claims it is out of print."
108/2586-2589	94	"	"We would urge this particular publication be brought to the attention of the Administrator tomorrow and to ask if there have been reasons why this is now scheduled not to be reprinted."	"We urge that this particular publication be brought to the attention of the Administrator when she testifies tomorrow, to ask why this fine publication[1] is not scheduled to be reprinted."
.08/2592-2593	94	"	"...the League can only conclude there is a deliberate attempt to suppress factual information..."	"...the league can only conclude that a deliberate attempt is being made to suppress factual information."
108/2594	94	"	"...in spite of history of need..."	"...in spite of a history of need..."
108/2594	94	"	"Perhaps the most disturbing aspect of all of this is the realization..."	"Perhaps the most disturbing aspect of this whole issue is the realization..."
108/2598	94	"	"...in put..."	"...input..."
108/2601	94	"	"...Underground Injection Control Program, or example,..."	"...underground injection control program, for example,..."
109/2602	95	"	"...changes and..."	"...changes, and..."
109/2605	95	"	"...substantialy..."	"...substantially..."
109/2609	95	"	"...per year from..."	"...per year, from..."
109/2611-2612	95	"	"...despite public recommendations..."	"...despite the public comments..."

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[1] Typesetter misspelled this word; correction written on galley to correct it.

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
109/2613	95	Reeves	"The basic point we believe is clear,"	"The basic point we believe is clear:"
109/2615	95	"	"...a course of action."	"...its course of action."
109/2616-2617	95	"	"What needs to be done we believe in this heraing is part of this process in which hard questions have to be asked."	--
109/2618	95	"	"We believe, also, that the language of the Clean Water Act, the Resource Conservation Recovery Act and the other laws are clear and they say that..."	"The language of the Clean Water Act, the Resource Conservation Recovery Act, and other laws are clear. It says that..."
109/2623	95	"	"Previous Administrtaions..."	"Previous Administrations..."
109-110/2626-2628	95	"	"The current EPA, however, has undertaken a systematic attempt to downgrade citizen involvement in the environmental decision-making."	"The current EPA, however, is systematically attempting to downgrade citizen involvement in environmental decisionmaking."
110/2629-2630	95	"	"We urge you probe not only the substantial of EPA policy decisions but also the process..."	"We urge you to probe not only the substance of EPA policy decisions, but also into process..."
110/--	95	--	--	"[Ms. Reeves prepared statement follows:]"
111/2667	106	Woodwell	"...two decades..."	"...2 decades..."
111/2672	106	"	"...U.S...."	"...United States..."
112/2680	106	"	"...conclusion. If..."	"...conclusion: If..."
112/2681	106	"	"...continue..."	"...continue,..."
112/2682	106	"	"...ecologically..."	"...ecologically,..."
112/2692	107	"	"...regional..."	"...regional,..."
112/2692	107	"	"...25 years..."	"...25 years..." [1]

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[1] Typesetter inserted hyphen between "25" and "years" and deleted letter "s" from "years"; correction written on galley to delete hyphen and insert letter "s".

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
112/2692	107	Woodwell	"...inadeqate."	"...inadequate."
112/2695	107	"	"...al most..."	"...almost..."
112/2696	107	"	"...U.S...."	"...United States..."
112/2697	107	"	"...people..."	"...people,..."
112/2698	107	"	"...and despite..."	"...and, despite..."
112/2701	107	"	"...enterprise including the economic, political and..."	"...enterprise, including the economic, political, and..."
113/2704	107	"	"...climate and of life itself."	"...climate, and of life itself,..."
113/2705	107	"	"The..."	"...the..."
113/2708-2709	107	"	"...in several documents including reports cited above and by this group of witnesses this morning."	"...in several documents, including the report cited above and documents presented by this group of witnesses this morning."
113/2712	107	"	"...personally or corporatally,..."	"...personally or corporately,..."
113/2716	107	"	"...Administration's..."	"...administration's..."
113/2718	107	"	"...history."	"...history of progress and management of resources."
113/2719	107	"	"...and discreet but they..."	"...and discreet, but they..."
113/2726	107	"	"...time by expenditure..."	"...time of the dumping by one expenditure..."
114/2727	107	"	"...company..."	"...Co...."
114/2728	108	"	"Also, the convergence of tax..."	"They also converge as a tax..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
114/2729	107	Woodwell	"...forces..."	"...forests..."
114/2731	107	"	"...due to acidification of rain and polluton of air. A loss of..."	"...due to the acidification of rain and the pollution of air, a loss of..."
114/2732	107	"	"...17 to $14 billion..."	"...$7 to $14 billion..."
114/2733	107	"	"...five cehts..."	"...5 cents..."
114/2736	107	"	"The convergence of a thousand other ways..."	"They converge in 1,000 other ways..."
114/2739	107	"	"...others alike emerge..."	"...others like them emerge..."
114/2743	107	"	"...Administration..."	"...administration..."
114/2744	107	"	"...towards..."	"...toward..."
114/2751	108	"	"...biotic fuels and the sun."	"...biotic fuels, and the Sun."
114/2752	108	"	"A 40 percent..."	"A 40-percent..."
115/2753	108	"	"...inevitable barring..."	"...inevitable, barring..."
115/2754	108	"	"...calamity and assurance that..."	"...calamity, and assures that..."
115/2756	108	"	"...nonrenewable will..."	"...nonrenewable, will..."
115/2759-2760	108	"	"...stupidity and avarice must conspire to prevent its use but the..."	"...stupidity, and avarice must conspire to prevent its use. The..."
115/2763	108	"	"...earth's..."	"...Earth's..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
115/2764	108	Woodwell	"...are loss,..."	"...are lost,..."
115/2767	108	"	"...and availability..."	"...and the availability..."
115/2769	108	"	"So with environmental issues, as the burdens of the..."	"So also with environmental issues. As the burdens of the..."
115/2770	108	"	"...Love Canals,..."	"...Love Canal,..."
115/2771	108	"	"...fisheries and toxic..."	"...fisheries, and toxic..."
115/2773	108	"	"...to proceed as we proceeded in the..."	"...to proceed as we have in the..."
116/2777	108	"	"...in intensification activities of the USEPA. Both may be..."	"...in intensification activities of the U.S. EPA. Both are..."
116/2779	108	"	"...reindustrialization and..."	"...reindustrialization..."
116/2785-2786	108	"	"...a poisoned odor-degraded environment, in the form of a poison."	"...a poisoned, or degraded environment."
116/2788	108	"	"...biotic resources are available, or progressive compromise to..."	"...biotic resources, are available for progressive compromise to..."
116/2797	108	"	"...earth's..."	"...Earth's..."
117/2809	108	"	"...Administration, any Administration,..."	"...administration, any administration..."
117/2810	109	"	"...destructions..."	"...destruction..."
117/2815	109	"	"...Administration..."	"...administration..."
117/2817	109	"	"...tabulating..."	"...a report tabulating..."
117/2820	109	"	"...re-industrialization..."	"...reindustrialization..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
117/2822	109	Woodwell	"...immediately and they are certainly possible."	"...immediately:"
117/2823	109	"	"(1) Recognize the seriousness, complexity and urgency..."	"One, recognize the seriousness, complexity, and urgency..."
117/2825	109	"	"...towards..."	"...toward..."
118/2830	109	"	"(2) Assure..."	"Two, assure..."
118/2834	109	"	"...the EPA, it certainly flows..."	"...the EPA,..."
118/2835	109	"	"...through there, but through..."	"...but also through..."
118/2838	109	"	"(3) Stimulate..."	"Three, stimulate..."
118/2842	109	"	"(4) Assure..."	"Four, assure..."
118/2845	109	"	"(5) Take appropriate steps to see that the U.S. addresses..."	"Five, take appropriate steps to see that the United States addresses..."
118/2848	109	"	"...nations or $\overset{**}{\text{or}}$ industries..."	"...nations or industries..."
119/2852	109	"	"...Phillip Shabakoff."	"...Phillip Shabekoff."
119/2853-2854	109	"	"...the Annual Report of the President's Council on Environmental Quality, presented..."	"...the "Annual Report of the President's Council on Environmental Quality," presented..."
119/2855	109	"	"...Administration's..."	"...administration's..."
119/2857	109	"	"...Administration's..."	"...administration's..."
119/2858	109	"	"...balancing..."	"...Balancing..."
119/2865	109	"	"...four points that have two..."	"...four points of swords that have two..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
119/2868	109	Woodwell	"...certainly do not point towards improved management of the..."	"...do not point toward improved management of the..."
119/2870	110	"	"(1) Cost-benefit analyzes are usually biased in favor of..."	"One*, cost-benefit analyzes are usually biased in favor of..."
119/2871	110	"	"...short-term profits, the costs are diffused..."	"...short-term profits; costs are diffused..."
119/2874	110	"	"(2) The marketplace..."	"Two, the marketplace..."
119/2875	110	"	"We have adeuate..."	"We have adequate..."
120/2878	110	"	"(3) Moving environmental..."	"Three, moving environmental..."
120/2882-2883	110	"	"That is true of every other resource that is exploited by local people; they will destroy the resource."	--
120/2884-2885	110	"	"It is necessary to remove responsibility to one layer further from the people than those who exploit it."	"It is necessary to remove responsibility for management one step from those who exploit the resource."
120/2886	110	"	"(4) Continuing global cooperation on environmental issues."	"Four, the administration proposes continuing global cooperation on environmental issues."
120/2889		--	"[The statement of Ms. Tileston follows:]"	"[Ms. Tileston's prepared statement follows:]"
121	132	--	--	"[Note:--No questions were submitted for the record.]"
122/2927	132	Woodwell	"...leaership..."	"...leadership..."
122/2930	132	"	"...government..."	"...government..." [1]
123/2944	132	Scheuer	"...U.N...."	"...United Nations..."
123/2947	132	"	"...falling away*, from..."	"...falling away from..."

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[1] Typesetter uppercased this word; correction written on galley to lowercase it.

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
123/2951	133	Scheuer	"...traditinal..."	"...traditional..."
123/2957	133	"	"...towards..."	"...toward..."
123/2960	133	"	"...problems where..."	"...problems*, where..."
124/2972	133	"	"...Ranking..."	"...ranking..."
124/2973	133	Carney	"...Member..."	"...member..."
124/2977	133	"	"...two years..."	"...2 years..."
124/2986	133	"	"it remains to..."	"**It remains to..."
125/2992	133	"	"...Congress*'..."	"...Congress..."
125/2996	133	"	"...leades..."	"...leaders..."
125/3001-3004	133	Woodwell	"Particularly I appreciate the strong leadership that you offered, and Mr. Peterson offered, in the conference in London a few weeks ago, Mr. Scheuer."	"I appreciate in particular the strong leadership that you and Mr. Peterson offered in the conference in London a few weeks ago."
125/3007	133	"	"...extraordinarily powerful."	"...extraordinarily great."
125/3008	133	"	"Now in the past..."	"In the past..."
125/3009	133	"	"...towards policies that would indeed allow the intensification..."	"...toward policies that would allow the intensification..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
125/3011-3012	133	Woodwell	"...trending away from that which is difficult to find internationally."	"...leading away from that objective."
126/3026	134	Carney	"...nation,..."	"...Nation,..."
126/3032	134	"	"...wil..."	"...will..."
126/3036	134	Woodwell	"...issue and in a..."	"...issue in a..."
127/3038	134	"	"...day in the use of that resource in..."	"...day from the use of that resource,..."
127/3039	134	"	"...general have the capacity for conserving that resource for..."	"...have the capacity for conserving it for..."
127/3040-3041	134	"	"...long-term use. When the competitive pressures of the marketplace put them in a position where they almost have to..."	"...long-term use, when competitive pressures of the marketplace force them to push..."
127/3048	134	"	"...source."	"...resource."
127/3060	134	Scheuer	"...you"	"...you."
128/3067	134	Tileston	"...the coutnry, seeing..."	"...country, as they see..."
128/3069	135	"	"...there are many things that are..."	"...there are numerous things happening..."
128/3079-3081	135	Reeves	"The League is a multi-issued organization, so the environment is just one of the many concerns we are interested in."	"The league is a multi-issue organization, so the environment is just one of our many concerns."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
128/3082-3083	135	Reeves	"...we mirror that which is in public opnion and the public opinion polls contiue to..."	"...we mirror public opinion, and the public opinion polls continue to..."
128/3084	135	"	"...that..."	"...of..."
128/3085	135	"	"...rural and urban."	"...rural and urban, about environmental problems."
129/3088	135	"	"But they are telling us and our membership clearly is..."	"The opinion polls and our membership are clearly..."
129/3089	135	"	"...indicating this."	"...indicating their concern for environmental quality."
129/3089	135	"	"We are launching a new membership drive..."	"We are launching a new nationwide membership drive..."
129/3090-3091	135	"	"...this fall, nationwide, in which we are entitling it Action Packed Politics, because we believe members are aggressive."	"...this fall, which we are titling "Action Packed Politics," because we believe our members are aggressive."
129/3092-3093	135	"	"That does not mean it is a partisan politics in the way it is going about."	"That does not mean partisan politics."
129/3094-3097	135	"	"I would like to report to you in about six months that we will see that great surge of membership which we know is there latent in the interest in that that we are seeing coming forth."	"I would like to report to you in about 6 months that we have seen that great surge of membership."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
129/3098	135	"	"So I think we mirror what is out there in the public..."	"So, I think we mirror the public..."
130/3116	135	Hiler	"...talking about acid rain, which is something that several	"...discussing acid rain. It is also something that several..."
130/3118	135	"	"...Senators before."	"...Senators who appeared before."
130/3120	135	"	"...three years..."	"...3 years..."
131/3138	136	"	"...Administration..."	"...administration..."
131/3140	136	"	"...two years."	"...2 years."
131/3142	136	"	"...wilth..."	"...with..."
131/3145	136	"	"...but some..."	"...but that some..."
131/3149	136	"	"...Indiana where I represent that they are..."	"...Indiana in my district--they are..."
131/3150	136	"	"...having their bills, utility bills, increased..."	"...having their utility bills increased..."
131/3153	136	"	"...we do do a tremendous..."	"...we do a tremendous..."
131/3155	136	"	"...Administration..."	"...administration..."
131/3156	136	"	"...Precipitation Task force has doubld..."	"...Precipitation Task Force has doubled..."
131/3157	136	"	"...two years..."	"...2 years..."
131/3158	136	"	"...make a point, in..."	"...make a point that in..."
131/3160	136	"	"...Administration..."	"...administration..."
132/3163	136	"	"...Chairman..."	"...chairman..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
132/3171	136	Hiler	"...an other..."	"...another..."
132/3173	136	"	"...a hundred tons..."	"...100 tons..."
132/3174	136	"	"...per year from..."	"...per year, from..."
132/3178	136	Reeves	"As plants are updated..."	"We believe that as plants are updated..."
132/3180	136	"	"...which comes out of that new piece,..."	"...from new pieces,..."
132/3181	136	"	"...100 tons category, we believe should..."	"...100-ton category, should..."
132/3182-3183	136	"	"...requirements as if you were building for a new source."	"...same requirements."
132-133/3184-3187	136	"	"And our point, however, was that this was suspended without having an opportunity to make those kinds of comments beforehand. And that--there may be a debate as to whether or not those kinds of addition to facilities should be considered new source or not."	"Our point, however, was that even when efforts are made to actively solicit public comments, Citizen input is not always afforded the weight it should be."
133/3188-3190	136	"	"We would like that debate to go forward before the Environmental Protection Agency makes its action."	--
133/3191	136	"	"...should..."	"...would..."
133/3192	136	"	"...to the litany of funding..."	"...to the funding..."
133/3194	136	"	"...that you documented that there..."	"...that you documented, there..."
133/3195	136	"	"...to have reprinted this document.which we consider to be one..."	"...to reprint this document, "Acid Rain," which we consider to be one..."
133/3196	136	"	"...of the best documents available, which in its introduction..."	"...of the best public information documents available on the subject. The introduction..."

doesn't work that way and can't be made to work that way. It takes a national government to establish national standards for air pollution and water quality and for appropriate behavior in management of all of those commons. Extreme~~ly important to recognize that that is intrinsic in the exploitation of these resources.~~

Mr. HILER. Is there anything intrinsic in dealing with this type of problem that would indicate ~~have to say~~ that the enforcement activities would have to come from a national level as opposed to a State level or a local level?

Mr. WOODWELL. The same general rules apply. One wants first fair, equitable enforcement. It is easier to have that enforcement equitable and fair if it is centralized. And as the responsibility for enforcement falls down in the hi~~r~~earchy closer and closer to those who are using the resource, ~~then~~ the interests of enforcement and exploitation become mingled, ~~and it becomes more and more difficult for the neighbor to enforce on his neighbor the game laws.~~

Mr. HILER. Why do you suppose, then, that Congress, ~~certainly~~ in the Clean Air Act Amendments of 1977--this will be my last question, Mr. Chairman, I thank you for your indulgence--gave the States the ability to accept the enforcement activity?

Mr. Woodwell ~~HILER.~~ ~~There are always~~ political compromises th~~at are made~~ ~~must~~ be ~~made~~ and will always be made. And it is

stet

I suppose, entirely conceivable that there is a series ~~structure~~ of air pollution problems ~~eg~~ that ~~could~~ can ~~indeed~~ be managed more wisely by the States, but I doubt it.

~~I am speaking in a general context, however, and~~ I firmly believe that the generality is as I have stated ~~lay it out, That~~ it is better to have the authority for enforcement centralized ~~and the authority for enforcement centralized~~ at a national level.

The fallacy ~~here~~ is that we can push back to the States those responsibilities and expect the States to have the technical and scientific strength as well as the will and ability to administer wisely, ~~and the will to do it.~~ when those who ~~may~~ suffer from the failure of a State to administer wisely could be as far removed from the source as the New England States ~~as opposed~~ are to Ohio. ~~where the pollution starts~~

So the burdens are spread broadly again, and the benefits, very narrowly.

Mr. HILER. Thank you very much, Mr. Chairman.

I yield back.

Mr. MOFFETT. Congressman Gore.

Mr. GORE. Thank you very much, Mr. Chairman.

This panel, and of course Governor Peterson and Senator Nelson, have had to leave, I know their feelings.

Let me ask those of you who are with us. Is it fair to say that there is now a consensus in the environmental community, and I mean by that, all of those organizations research, the enforcement capability. We have lost the means ~~that which can~~ to tackle the problem.

I would like to give you one example that we didn't put in our testimony, ~~but~~ in the State of West Virginia, our League members have been ~~working~~ following very closely ~~in~~ a process called ~~in~~ the Stet Clean ~~Water Act called delegation responsibility, not only~~ that involves with ~~clean water, but~~ delegating on of programs back to the States.

And public hearings have been held so that League members and others could testify. It was a process for ~~that was looking to see that~~ State governments to determine their ~~would try to say, these are our~~ critical environmental problems.

~~And these are~~ the ones where ~~we~~ they are going to need assistance from EPA. In ~~the~~ a recent testimony ~~that~~ the League of Women Voters of West Virginia ~~presented~~ they pointed out that it appeared that now EPA was not interested in this process going forth.

The League felt that the process was just beginning to work. This is the cry that we have heard again and again ~~and again and again~~.

Just as we have begun to gain the knowledge we needed and just as we have begun to establish proper procedures and channels, And just as we have begun to even tackle the job, Then all of this base of support has been pulled out from under. So we have lost something even more, to use your characterization, disastrous, it seems to me because we have lost

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
133/3197	136	Reeves	"...from Steven Gorge, who was the Assistant Administrator..."	"...by Steven Gorge, who was the Assistant Administrator..."
133/3198	136	"	"...this background..."	"...states that this background..."
133/3201-3203	137	"	"...find it informative and interesting. It is both informative, and it is interesting. And it should be reprinted and it should be made available."	"...find it both informative and interesting, as we do. It should be reprinted, and made available for continued public distribution."
133/3204-3205	137	"	"We do not think it is."	"However, we do not think that it is."
133/3207	137	Hiler	"...palce with the $22.4 million,..."	"...place with the $22.4 million,..."
133-134/3211-3214	137	"	"To get back to my question to you on the hundred tons of air pollution per year from the pieces of equipment, now you were saying that this comes in an existing facility where a new piece of equipment, and could you tell me what kind of..."	"I'd like to get back to my question to you on the 100 tons of air pollution per year from the new pieces of equipment. Could you tell me what kind of..."
134/3216	137	Reeves	"This is an upgrading. This will be an expansion..."	"This is an upgrading or expansion..."
134/3218	137	"	"...at the present site."	"...at its present site."
134/3219	137	"	"It is an expansion of an existing facility."	--
134/3220-3223	137	"	"In the expansion of it as you get into these larger amounts we believe that there is a cutoff in which you should suddenly look at this as if it were a whole new source of pollution."	"In the expansion of an existing facility, we believe that there should be a cutoff point where the expansion should be treated like a whole new source of pollution."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
134/3224-3231	137	Reeves	"It was that point, the point we wanted to make, however, again was that when we have these kind of issues in which there is dispute, we would prefer to have that dispute discussed in a public comment period prior to the actual suspension by EPA so that there is an opportunity for the Agency to have the benefit of public discussion before they suspended the rule. Maybe they will decide to go ahead and do it."	"The main point we wanted to make was that the final rule went into effect as proposed, despite the public comments that were submitted."
134/3232	137	"	"So our basic point related to that."	--
134/3233	137	Hiler	"In the expansion in an..."	"The expansion of an..."
134/3234	137	"	"...equipment, it currently..."	"...equipment currently..."
135/3244	137	"	"...to begin--to put it in to begin with."	"...in to begin with."
135/3246	137	"	"And the revivew..."	"And the review..."
135/3247	137	"	"...for that technology which goes into a new source is..."	"...of technologies which go into new sources is..."
135/3248	137	"	"...from that which is in an existing source."	"...from those which are used in an existing sources."
135/3249-3251	137	"	"And so that the question relates as to whether or not a facility which has a hundred tons of new air pollution being emitted into the air..."	"And so the question is whether or not a facility which emits 100 tons of new air pollution into the air..."
135/3253-3254	137	Reeves	"...whether in fact we should treat it under a more lenient condition as if it were just an expansion."	"...whether in fact should be treated more leniently as if it were just an expansion of an existing facility."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
135/3255	137	Reeves	"We think a hundred tons..."	"We think 100 tons..."
135/3256-3258	137	"	"We would very much like to have had an opportunity to express the concerns of League members prior to them having this proposed rule go into effect."	--
135/3259	137	"	"A hundred tons will..."	"One hundred tons will..."
136/3272	138	Hiler	"...over-utilize..."	"...overutilize..."
136/3273	138	"	"...th..."	"...the..."
136/3276	138	"	"...discussed with..."	"...discussed this with..."
136/3278	138	"	"It was kind of added to at the..."	"It was added at the..."
136/3285	138	Woodwell	"...pots; or running his..."	"...pots, or by running his..."
137/3291-3292	138	"	"...broadly. The benefits of the greater exploitation are focused very..."	"...broadly, but the benefits are focused very..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
137/3293	138	Woodwell	"...sharply on the person."	"...sharply on the individual."
137/3295	138	"	"...good, old..."	"...good old..."
137/3297	138	"	************* *********** ********* "...over-exploit, over-graze the pasture, over-use..."	"...overexploit, overgraze the pasture, overuse..."
137/3298	138	"	********* "...over-use..."	"...overuse..."
137/3299	138	"	"...pollute the water, and so on, each of them gaining..."	"...pollute the water. Each of them gains..."
137/3301	138	"	"And so it takes an act of government."	"But the cost of each increment of degradation is divided among all the users. And so it takes an act of government to impose the restraint."
137/3305	138	"	"...the wider..."	"...the wiser..."
137/3309	138	"	"...it. Or the Federal..."	"...it; it is better to have the Federal..."
137/3310	138	"	"...pollutoin on a national basis."	"...pollution on a national basis than to have it managed locally."
137/3311	138	"	"And so the argument that those responsibilities can be..."	"The argument that responsibilities for management of environment can be..."
137/3312	138	"	"It really..."	"The system..."
138-139/ 3315-3351	138-139	Various	[See next two pages]	[See next two pages] [Handwritten changes represent the differences between the transcript and the corrected galley.]

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
140/3368	139	Gore	"...Administration..."	"...administration..."
140/3376	139	Woodwell	"People who prepared that document..."	"The people who prepared that document..."
140/3377	139	"	"But they say..."	"But they said..."
140/3379	139	"	"...Administration..."	"...administration..."
140/3382	139	Gore	"Ms. Reeves?"	"Ms. Reeves."
140/3383-3384	139	Reeves	"Certainly as one looks in the short term at what might be happening..."	"Certainly, in the short term, as one looks at what might be happening..."
140/3384	139	"	"...to the natural resources,..."	"...to natural resources,..."
140/3385-3386	139	"	"...but what is far more important is in the view of the League of Women Voters,..."	"...but what is far more important in the view of the League of Women Voters, is that..."
141/3388-3412	139-140	Reeves	[See next page]	[See next page] [Handwritten changes represent differences between transcript and corrected galley.]
142/3416	140	"	"...we should in terms of..."	"...we should, in terms of..."
142/3430	140	Tileston	"...perceived threats, perceived and indeed,..."	"...perceived threats, and indeed,..."
142/3433	140	"	"...safe to say and very accurate..."	"...safe and very accurate to say..."
143/3438	140	Gore	"...two days..."	"...2 days..."
143/3439	140	"	"...Administration..."	"...administration..."
143/3449	140	"	"...Administration..."	"...administration..."
143/3451	140	"	"...two years..."	"...2 years..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
143/3454	140	Gore	"...because **of the record..."	"...because the record..."
143/3455	140	"	"...Administration..."	"...administration..."
143/3455	140	"	"...members..."	"...*******Members..."
143/3459	141	"	"...Administration..."	"...administration..."
143/3461	141	"	"...what, where, when, how and why,..."	"...what, where, when, how, and why..."
144/3465	141	"	"..."what"..."	"...what..."
144/3471	141	"	"...Administration..."	"...administration..."
144/3481	141	"	"..."gadfly"..."	"...gadfly..."
144/3485	141	"	"...common sense."	"...*************common-sense."
144/3486	141	Carney	"..."gadfly"..."	"...gadfly..."
145/3497	141	Gore	"...the agenda,."	"...the agenda,"
145/3508	141	Tileston	"...obviously..."	"...obvious..."
145/3508-3509	141	"	"...of what the whole scene was about..."	"...of what is the whole scene was about..."
146/3514	142	"	"And certainly, regulations fall under, in a large category in that."	"And certainly, regulations fall under a large category in that."
146/3519-3520	142	"	"Certainly, the people who were brought in to man the various agencies..."	"The people who were brought in to man the various agencies..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
146/3522-3525	142	Tileston	"...we have certainly a different tenor, and as has been often indicated, more like the folks taking care of the chicken house than most of us are at all comfortable with."	"...we have certainly a very different attitude, and as has been often indicated, more like the foxes taking care of the chicken house than most of us are at all comfortable with."
146/3526-3528	142	"	"But I do think that it is a very fundamental misunderstanding of what is at stake here."	"But I do think that there has been a very fundamental misunderstanding of what was and is the will of the people as expressed in the *********November 1980 election."
146/3529-3533	142	"	"And although the campaign certainly, as most campaigns do, has a lot of rhetoric in it, when that rhetoric was translated into action, and one has to give the Administration some stars in putting into effect in a very, very drastic way, their points of action, nevertheless the stewardship has gone by the wayside."	"The campaign had a lot of rhetoric in it, when that rhetoric was translated into action, and one has to give the administration some credit for effectively implementing their program effect in a very**--nevertheless, the stewardship of the environmental and public lands has gone by the wayside."
146/3536	142	Reeves	"Let me try another scenario with you."	"Let me describe another scenario with you."
147/3538-3543	142	"	"It is very clear, and I was involved in the mid-1960s and even previous to that, in which you had the period of time in which it was the town crier. You ran around, "There is a problem. There is a problem." And all of the excitement that was there in trying to discuss it."	"In the mid-1960's there was the period of time in which it was the town crier who ran around shouting, "There is a problem. There is a problem."
147/3544	142	"	"Then we got into what I call the easy problem-solving."	"Then we got into what I call the easy problem-solving stage."
147/3549	142	"	"I have not see it,..."	"I have not seen it,..."
147/3553	142	"	"...you assumed was always potable,..."	"...you always assumed was potable,..."
147/3554	142	"	"...towards..."	"...toward..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
147/3556	142	Reeves	"How do you find new sources, what do you do about it?"	"How do you find new sources of drinking water and, what do you do about the polluted well?"
147/3558	142	"	"...which is international, global?"	"...which is an international, global problem?"
147/3560-3562	142	"	"As we got into the extremely complex and as we had done the easy things, I think there might have been an over-reaction by some that it is too expensive."	"As we get into the extremely complex issues, and as we had done the easy things, I think there may be[1] an over-reaction by some that pollution control is too expensive."
148/3563-3564	142	"	"...Senator Nelson here talked about, we can't afford not to do it."	"...Senator Nelson talked about when we can't afford not to do it."
148/3566-3568	142	"	"We saw in the League of Women Voters in the last--the previous Administration, an opportunity in which they were evaluating."	"We saw in the League of Women Voters in the previous administration, an opportunity to evaluate progress and problems with environmental programs."
148/3570	143	"	"And they were looking real hard at these issues."	"And-EPA and a broad spectrum of the public were looking hard at these issues."
148/3573	143	"	"...clean-up..."	"...cleanup..."
148/3575	143	"	"We lift the dirty sites."	"We list the dirty sites."
148/3576-3577	143	"	"...and how much do we have to go?"	"...and how far do we have to go?"
148/3581-3582	143	"	"I think that we have done away, in the real colloquial term, we have thrown the baby out with the bath water."	"I think that we have, in the real colloquial term, thrown the baby out with the bath water."

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[1] Words "may be" written as one word in galley; correction written up to change to two words.

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
148/3585-3587	143	Reeves	"...I am afraid that we are a long way from getting into that real problem solving of those terribly complex problems that we face."	"...I am afraid that we are a long way from getting into that real problem solving for the terribly complex problems we face."
149/3593	143	Gore	"...modifications, renewals and issuances."	"...modifications, renewals, and issuances."
149/3600-3601	143	Reeves	"...public opinion."	"...public oversight."
149/3603	143	"	"..., for example in..."	"..., for example, in..."
149/3607	143	"	"...is our poor condition..."	"...is the poor condition..."
149/3609	143	"	"The recent incident here in New Jersey..."	"The recent incident in New Jersey..."
149/3610-3611	143	"	"We should begin to see how to solve these problems..."	"We should begin to solve these problems..."
150/3613-3614	143	"	"...some of the issues that should be gone forth with."	"...some of the issues that should be taken care of now."[1]
150/3620	143	"	"...two years..."	"...2 years..."
150/3632	144	Gore	"...Administration..."	"...administration..."
150/3634	144	"	"...Administration..."	"...administration..."
151/3638	144	"	"...actions, also."	"...actions also."
151/3641	144	"	"...bi-annual process..."	"...biannual process..."
151/3642	144	"	"...government..."	*********** "...Government..."
151/3653	144	"	"...services..."	******** "...serviced..."

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[1] Typesetter inserted word "by"; correction written on galley to delete it.

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
151/3657	144	Gore	"...three months..."	"...3 months..."
152/3665-3666	144	Carney	"I had an Oklahoma, Brook Haven Laboratories is doing that study."	"I had an Oklahoma, Brook Haven Laboratories doing that study."
152/3670	144	"	"...Administration..."	"...administration..."
153/3699	145	Gore	"...members..."	"...Members..."
153/3701	145	"	"...members..."	"...Members..."
153/3704	145	"	"...Administration..."	"...administration..."
154/3716	145	Hiler	"...to distinguish between whether..."	"...to distinguish whether..."
154/3716-3720	145	"	"...whether an individual member supports the President on an issue as I am for some voters because of the kind of information that is put out, ability to distinguish what the Administration's position really is."	"...whether an individual Member supports the President on an issue as I am for some voters' ability to distinguish what the administration's position really is because of the kind of information that is put out."
154/3727	145	Scheuer	"...five-minute rule..."	"...5-minute rule..."
154/3729	145	Walker	"...five-minute rule..."	"...5-minute rule..."
154/3729	145	"	"...five-minute rule..."	"...5-minute rule..."
154/3731	145	Scheuer	"...five-minute rule..."	"...5-minute rule..."
155-156/3762-3763	146	Tileston	"...time_frame..."	"...timeframe..."
156/3778	146	Reeves	"The League..."	"The league..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
156/3780-3784	146	Reeves	"And I believe that on the 13th and 14th, when originally it had been talked about then, the League had been talked about, there had been communication as to whether or not we could get this together."	"And I believe that on the 13th and 14th, when originally it had been scheduled the league had been invited and, there had been communication as to whether or not we could get together."
156 -157/ 3785-3788	146	"	"I can't give you a date as to when was there a particular invitation. It was just that we knew that we--we felt that we sincerely had information which would be of value to a committee investigating these things."	"I can't give you the date of the invitation, but we felt that we sincerely had information which would be of value to a committee investigating the performance of the EPA.
157/3789-3792	146	"	"And that it was then dependent upon when my schedule might be or when we could have another volunteer member of the organization come in and participate and whether or not this would mesh with the staff."	"It also depended on my schedule and whether we could have another volunteer member of the organization come in and participate."
157/3796-3797	146	"	"No, we had a date conflict in which we would not have been able to at that time."	"No, we had a date conflict, and would not have been able to testify at that time."
157/3802-3803	147	"	"Oh, sometime last week, Thursday, Friday, that we started to work on the testimony."	"Oh, it was sometime last week, Thursday or Friday, that we started to work on the testimony."
158/3813-3814	147	"	"...sometimes we have difficulty getting all of our testimony down ahead of time."	"...sometimes we have difficulty getting our testimony done ahead of time."
158/3818	147	"	"...time frame..."	"...timeframe..."
159/3840	147	Scheuer	"...Commissioner of Environment..."	"...commissioner of environment..."
159/3855	147	"	"...five-minute summation..."	"...5-minute summation..."
159/3860	148	Flacke	"...New York State's..."	"...New York State..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
159/3861-3862	148	Flacke	"...and I guess New York State's position."	"...and New York State's position."
160/3866	148	"	"...Reagan Administration..."	"...Reagan administration..."
160/3870	148	"	"...of its..."	"...of the Nation's..."
160/3873	148	"	"...air, land and water."	"...air, land, and water."
160/3877	148	"	"...previous Administrations..."	"...previous administrations..."
160/3879	148	"	"...two-year-ago period..."	"...2-year-ago period..."
160/3882-3883	148	"	"...to advance new programs and to allocate funds..."	"...to advance new programs, and to allocate funds..."
160/3884	148	"	"It was at that time the end of the period..."	"It was at that time, the end of the period..."
160/3887	148	"	"...air, land and..."	"...air, land, and..."
161/3906	148	"	"...problems between sts with air,..."	"...problems between States such as with air,..."
161/3911-3912	148	"	"I think that the public has been polarized, again, with we are not able to talk..."	"I think that the public has been polarized, again, and we are not able to talk..."
162/3917	149	"	"It ranges in the problem..."	"It relates to in the problem..."
162/3918	149	"	"...to the people in Love Canal."	"...the people in Love Canal."
162/3920	149	"	"...this Administration..."	"...this administration..."
162/3924	149	"	"A consultant hired by the EPA..."	"A consultant was hired by the EPA..."
162/3925	149	"	"We were informed not only would that money not be available in the Administration's budget..."	"But we were later informed not only would that additional money not be available in the administration's budget..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
162/3930-3931	149	Flacke	"...we would not be able to produce that program to protect groundwater."	"...we would not be able to produce that program to protect groundwater and other resources from damage."
162/3934	149	"	"...the generators, the producers and the disposers..."	"...the generators, the producers, and the disposers..."
164/3952	155	Scheuer	"...in New York, Connecticut and New Jersey?"	"...in New York, Connecticut, and New Jersey?"
164/3960-3961	155	Flacke	"...was not a small problem, but a rather large one."	"...was not a small problem, but a rather large one especially in the metropolitan area."
164/3966	155	"	"...and fail to..."	"...and we fail to..."
165/3974-3976	155	"	"New York State believes we will probably have 15 of the 680 sites, money flowing to them from Superfund, over the next several years."	"New York State believes we will probably have 15 of the State's 680 known or suspected hazardous waste sites, money flowing to them from Superfund, over the next several years."
165/3977	155	"	"In that particular instance, we were pleased, because we had..."	"In that particular instance, we were pleased. Because we had..."
165/3979-3980	155	"	"...and our program at Love Canal. The applications are in."	"...and our program at Love Canal, the applications are in."
165/3994	155	"	"...two or three weeks..."	"...2 or 3 weeks..."
166/4002	155	Carney	"...Commissioner..."	************ "...commissioner..."
166/4016-4018	156	Flacke	"Long Island has always been a peculiar problem with New York State money for ground water research on the Island."	"Long Island has always been a peculiar problem with New York State money for ground water research."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
166/4018-4019	156	Flacke	"It is one germane to the New York State Government."	"It is one german to the structure of New York State government."
166/4020	156	"	"...Department of Health in the New York State Government..."	"...department of health in the New York State government...
166-167/4022-4023	156	"	"...Department of Environmental Conservation."	"...department of environmental conservation."
167/4032	156	Carney	"...sole source..."	"...sole-source..."
167/4041	156	"	"...ten o'clock..."	"...10 o'clock..."
167/4046	156	"	"...Neuberg..."	"...Newburger..."
168/4067	157	Gore	"...Chairmen..."	"...chairmen..."
168/4068	157	"	"...Minority Members..."	"...minority members..."
169/4082	157	Scheuer	"...five minutes."	"...5 minutes."
169/4087	157	Walker	"...the Chairman's rep esentation..."	"...the chairman's representation..."
169/4095	157	"	"...two or three weeks ago. ."	"...2 or 3 weeks ago..."
170/4104	157	"	"One question: You..."	"One question. You..."
170/4105	157	"	"...Federalism..."	"...federalism..."
170/4106	157	"	"...Federalism..."	"...federalism..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
170-171/ 4121- 4125	158	Flacke	"In specific instances, if you ever get the Administrator to do that--as the PCB project on the Hudson River, the new concept of peer review, where decisionmaking has been taken away from the regional administrators, and so on."	"In specific instances, if you ever get the Administrator to do that--instead, the PCB project on the Hudson River shows the new EPA concept of peer review, where decision-making has been taken away from the regional administrators, and so on."
171/4147	158	--	"Mr. HILER."	--
172/4153	158	Flacke	"We are very pleased in the ability of a shortened hearing process..."	"We are very pleased with the ability of a shortened hearing process..."
172/4167	158	Hiler	"...would mean New York could never achieve a preventive hazardous waste management system we envision and which our citizens demand."	"...would mean New York could never achieve a preventive hazardous waste management system as we envision it, and which our citizens demand."
173/4179	159	Flacke	"...passed a mini Superfund bill."	"...passed a mini-Superfund bill."
173/4195	159	Hiler	"But what I am saying, as the State of New York, you can make up the difference..."	"But what I am saying is, as the State of New York," you can make up the difference..."
174/4201	159	"	"So what the question comes down to, when the piper has to be paid..."	"So what the question comes down to is, when the piper has to be paid..."
174/4218	159	Scheuer	"...Members..."	"...members..."
174/4222	159	"	"Let's hear from Ms. Bertinuson."	"Let's hear from Mr. Easton."
175/4224	159	--	"STATEMENT OF TERESALEE BERTINUSON"	"STATEMENT OF JOHN J. EASTON, ATTORNEY GENERAL, STATE OF VERMONT"
175/4225	159	--	"Ms. BERTINUSON."	"Mr. EASTON."
175/4228	160	--	"MS. BERTINUSON."	"Mr. EASTON."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
175/4234	160	Easton	"...land use law..."	"...land [1] use law..."
175/4239	160	"	"...Members..."	"...members..."
176/4252	160	"	"...new Federalism."	"...New Federalism."
176/4260	160	"	"...new Federalism."	"...New Federalism."
176/4271	160	"	"...red_tape."	"...redtape."
177/4281	160	"	"...20 percent cutback..."	"...20-percent cutback..."
177/4281	160	"	"...air pollution..."	"...air-pollution..."
177/4284	160	"	"...air pollution..."	"...air-pollution..."
177/4286	160	"	"...northeastern..."	"...Northeastern..."
177/4292	161	"	"...SO-2."	"...SO$_2$."
177/4293	161	"	"...midwestern..."	"...Midwestern..."
178/4306	161	"	"...midwestern..."	"...Midwestern..."
178/4313	161	"	"...cannery..."	"...tannery..."
178/4317	161	"	"...cannery..."	"...tannery..."
179/4323	161	"	"...federally involved."	"...federally-involved."
179/4333	161	"	"...eight minutes..."	"...8 minutes..."
179/4335	161	"	"...site..."	"...sight..."

[1] Typesetter inserted hyphen in galley; correction written up to delete it.

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
179/4346	161	Easton	"...noncommunity water samplings, water systems."	"...noncommunity water samplings, and water systems."
180/4354	162	--	"[Ms. Bertinuson's prepared statement follows:]"	"[Mr. Easton's prepared statement follows:]"
181/4357	171	Scheuer	"...ten minutes..."	"...10 minutes..."
181/4358	171	--	"[Recess.]"	"[Recess taken.]"
181/4359	171	--	"[Recess 2:15-2:40 p.m.]"	--
181/4363	171	--	"[The statement of Mr. Easton follows:]"	--
182/4366	171	Scheuer	"...five minutes..."	"...5 minutes..."
182/4369	171	--	"Mr. BERTINUSON."	"Ms. BERTINUSON."
182/4371	171	--	--	"STATEMENT OF TERESALEE BERTINUSON, VICE CHAIRMAN, COUNCIL OF STATE GOVERNMENTS' EASTERN REGIONAL CONFERENCE TASK FORCE ON THE ENVIRONMENT"
182/4372	171	--	"Mr. BERTINUSON."	"Ms. BERTINUSON."
182/4372	171	Bertinuson	"I am Teresalee Bertinuson, I am House Chairman..."	"I am Teresalee Bertinuson.* I am house chairman..."
182/4374	171	"	"...Vice Chairman..."	"...vice chairman..."
182/4377	171	"	"...state..."	"...State..."
182/4377	171	"	"...created support and directed by them..."	"...created, supported, and directed by them..."
182/4378	171	"	"...state..."	"...State..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
182/4379	171	Bertinuson	"...maintains an information service and serves as liaison."	"...maintaining an information services and serving as liaison."
182/4381	171	"	"...state..."	"...State..."
182/4382-4383	171	"	"...ten northeastern states..."	"...10 Northeastern States..."
182/4386	171	"	"...federal level..."	"...Federal level..."
182/4387	171	"	"...federal state..."	"...Federal/State..."
183/4391	171	"	"...agency's..."	"...Agency's..."
183/4394	171	"	"...states..."	"...States..."
183/4397	171	"	"...states..."	"...States..."
183/4397	171	"	"...are highly dependent upon..."	"...are also highly dependent upon..."
183/4398	171	"	"...state..."	"...State..."
183/4399-4400	171	"	"...are dependent on the government regulations to protect them from exposure to these chemicals but to assure continued viability..."	"...are dependent on government regulations not only to protect them from exposure to these chemicals but also to assure continued viability..."
183/4405	171	"	"...Administration..."	"...administration..."
183/4406	171	"	"...Critical Toxic Substances Control Program..."	"...Critical Toxic Substances Control program..."
183/4406-4407	171	"	"...less than 25 percent of 1981 and the real work has just begun."	"...less than 25 percent of the 1981 level and the real work has just begun."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
183/4408-4410	171	Bertinuson	"Similarly, EPA has not adequately addressed toxic air pollutants although directed in the 1977 Clean Air Act amendments."	"Similarly, EPA has not adequately addressed toxic air pollutants although directed to do so in the 1977 Clean Air Act amendments."
183/4411	171	"	"...states."	"...States."
183/4412	172	"	"...Northeast's..."	"...Northeast's..." [1]
183/4413-4414	172	"	"It is probably the one resource we may have a competitive edge on orther parts of the country."	"It is probably the one resource in which we may have a competitive edge on other parts of the country."
184/4418	172	"	"...nation's..."	"...Nation's..."
184/4421	172	"	"...Administration..."	"...administration..."
184/4423	172	"	"...which according to..."	"...which, according to..."
184/4423-4424	172	"	"...will allow EPA only to manage a limited number of permits."	"...will allow EPA only to process a limited number of permits."
184/4425	172	"	"...stated any times today."	"...stated many times today."
184/4430	172	"	"...federal..."	"...Federal..."
184/4434-4436	172	"	"We feel the Clean Air Act must be amended, however, the law must be implemented and rigorously enforced."	"We feel the Clean Air Act must be amended, however, once amended, the law must be implemented and rigorously enforced."
184/4438	172	"	"...state..."	"...State..."

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[1] Typesetter lowercased this word; correction written up to uppercase it.

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
185/4440-4447	172	Bertinuson	"Since 1980 in petitions to EPA or member states of Connecticut, New Jersey, Pennsylvania, New York and Mainehave pointed out to the agencies that the Clean Air Act requires EPA to make a determination that no interstate air pollution will be caused before EPA may approve a zip plan or zip revision. Yet EPA has approved some, granted delays for others and proposed increase allowable emissions at others."	"Since 1980 in petitions to EPA our member States of Connecticut, New Jersey, Pennsylvania, New York, and Mainehave pointed out to the Agency that the Clean Air Act requires EPA to make a determination that no interstate air pollution will be caused before EPA may approve a SIP--State implementation plan or SIP revision. Yet EPA has approved some, granted delays for others and has proposed to increase allowable emissions at others."
185/4448	172	"	"...SO2..."	"...SO_2..."
185/4449	172	"	"...Northeast."	"...northeast."
185/4456	172	"	"...nation..."	"...Nation..."
185/4458	172	"	"...Interstate Air Pollution..."	"...interstate air pollution..."
185/4460-4462	172	"	"This act can only be effectively enforced in the states with primary responsibility for enforcement, very adequately funded air quality controls."	"This act can only be effectively enforced in the States with adequately funded air quality control programs."
185/4462-4463	172	"	"The Administration proposes a 20 percent reduction in state air programs for 1983."	"The administration proposes a 20-percent reduction in State air programs for 1983."
185/4464	172	"	"...Administration..."	"...administration..."
186/4465	172	"	"...to the states, the states are unwilling..."	"...to the States, the States are unwilling..."
186/4467	172	"	"...federal..."	"...Federal..."
186/4468-4469	172	"	"...about federal laws to be implemented at the state level."	"...about Federal laws which must be implemented at the State level."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
186/4470	173	Bertinuson	"...ten states..."	"...10 States..."
186/4471	173	"	"...federal..."	"...Federal..."
186/4472	173	"	"...national governors association..."	******** ********* *********** "...National Governors Association..."
186/4475-4476	173	"	"...he states were responding with matching state legislation..."	*** ****** "...the States were responding with matching State legislation..."
186/4480	173	"	"Where are we to do?"	"Where are we now?"
186/4482-4483	173	"	"We are not exactly sure yet how our matching funds have to be provided.	"We are not exactly sure yet how our matching funds must be provided."
186/4484	173	"	"...federal..."	"...Federal..."
186/4486-4487	173	"	"...which will bring new responsibility to the states, federal financial assistance is suspected to be sharply reduced."	"...which will bring new responsibility to the States, Federal financial assistance is expected to be sharply reduced."
186/4487	173	"	"...states..."	"...States..."
187/4490	173	"	"...federal..."	"...Federal..."
187/4492-4495	173	"	"This could have a direct impact on the management of hazardous waste because the small waste generators, the exemption, they are not required to comply with RCRA."	"This could have a direct impact on the management of hazardous waste because the small waste generators, are exempt from RCRA requirements."
187/4498	173	"	"...states..."	"...States..."
187/4502	173	"	"...states..."	"...States..."
187/4504	173	"	******* "...probems..."	"...problems..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
187/4505	173	Bertinuson	"...federal..."	"...Federal..."
187/4506	173	"	"...federal..."	"...Federal..."
187/4506	173	"	"...Section 301(2)..."	"...section 301(2)..."
187/4510	173	"	"...Administration..."	"...administration..."
187/4512	173	"	"...database..."	"...data base..."
187/4513	173	"	"...federal..."	"...Federal..."
188/4516	173	"	"...states..."	"...States..."
188/4518	173	"	"...air, water and ground."	"...air, water, and ground."
188/4520	173	"	"...Act."	"...act."
188/4524	173	--	"[The statement of Mr. Bertinuson follows:]"	"[Ms. Bertinuson's prepared statement follows:]"
189/4539	183	Easton	"...Joel Cantor..."	"...Joel Kantor..."
189/4541	183	"	"...mid-morning..."	"...midmorning..."
190/4558	183	"	"...realise..."	"...realize..."
190/4567	183	Scheuer	"...states..."	"...States..."
191/4577	183	Easton	"...Administration's..."	"...administration's..."
191/4578	183	"	"...federal..."	"...Federal..."
191/4582	183	"	"...state..."	"...State..."
191/4582	183	"	"...states..."	"...States..."
191/4583	183	"	"...R&D..."	"...R&D..." [1]

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[1] Typesetter inserted periods after letters and spaces before and after ampersand; correction written up to delete periods and close up spaces.

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
191/4587	184	Easton	"...federal government..."	"...Federal Government..."
191/4590	184	"	"...suggets."	"...suggests."
191/4592	184	Scheuer	"...government..."	"...Government..."
191/4592	184	"	"...R&D..."	"...R&D..." [1]
191/4594	184	"	"...tohers..."	"...others..."
191/4598	184	"	"...R&D..."	"...R&D..." [1]
191/4600	184	"	"...government..."	"...Government..."
192/4603	184	Easton	"...R&D..."	"...R&D..." [1]
192/4606	184	"	"...government..."	"...Government..."
192/4621	184	Scheuer	"...erservation..."	"...reservation..."
193/4640	184	"	"...members..."	"...Members..."
194/4652	184-185	"	"...well-prepared."	"...well prepared."
194/4662	185	Carney	"...biparisan..."	"...bipartisan..."
194/4671	185	"	"...committee of science and technology."	"...Committee of Science and Technology."
194/4673	185	"	"...five ring circuses..."	"...five-ring circuses..."
195/4682	185	Hiler	"...four ring circus."	"...four-ring circus."
195/4683	185	"	"...for four weeks with four committees..."	"...for 4 weeks with three committees..."

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[1] Typesetter inserted periods after letters and spaces before and after ampersand; correction written up to delete periods and close up spaces.

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
195/4684-4686	185	Hiler	"...with a minimum of 30 to 35 members of Congress and as late as less than 24 hours ago we didn't have witnesses for the hearing."	"...with a minimum of 30 to 35 Members of Congress and as late as 24 hours ago we didn't have witnesses for the hearing."
195/4688	185	"	"...members..."	"...Members..."
195/4688	185	"	"...four ring..."	"...four-ring..."
195/4689	185	"	"...members..."	"...Members..."
195/4690	185	"	"...circus when we have people..."	"...circus, and when we have people..."
195/4690	185	"	"...ways..."	"...way..."
195/4691-4694	185	"	"...who deserve to have their testimony listened to and now this is nothing but a circus and no one is here to listen and we didn't know they were going to be here until 12 hours ago."	"...who deserve to have their testimony listened to and now this is nothing but a circus and no one is here to listen."
196/4702	186	Carney	"...New York."	"...New York?"
196/4704	186	--	"Mr. BERTINUSON."	"Ms. BERTINUSON."
196/4710	186	Bertinuson	"...knowlede..."	"...knowledge..."
196/4711	186	"	"...ten years..."	"...10 years..."
196/4712	186	"	"...forces..."	"...forests..."
196/4713	186	"	"...ot..."	"...to..."
196/4714	186	"	"...allt he answers."	"...all the answers."
196/4716	186	"	"...Scandinavian and..."	"...Scandinavian, and..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
196/4717-4719	186	Bertinuson	"...that indicates that acid rain and the other--other types of pollution of the types more important than acid rain themselves, do..."	"...that indicates that acid rain and the other types of pollution of the types more important than acid rain itself, do..."
196/4719	186	"	"...long range..."	"...long-range..."
196/4720	186	"	"...primarily and..."	"...primarily, and..."
197/4734	186	Easton	"...Section 126..."	"...section 126..."
197/4735	186	"	"...East..."	"...east...
197/4735	186	"	"...states..."	"...States..."
197/4736	186	"	"...New Jersey..."	"...New Jersey,..."
197/4741	186	"	"...Administration..."	"...administration..."
197/4745	186	"	"...states..."	"...States..."
197/4746	186	"	"...EPAs..."	"...EPA's..."
197/4749	186	Carney	"...four years..."	"...4 years..."
198/4759	186	"	"...chairman..."	******** "...chairman..." [1]
198/4759	186	"	"...co-sponsors..."	"...cosponsors..."
198/4768	187	"	"...administrator..."	************** "...Administrator..."
199/4776	187	"	"...time_frame..."	"...timeframe..."
199/4779	187	"	"...frustrtions..."	"...frustrations..."
199/4781	187	"	"...Chairman's..."	"...chairman's..."

[1] Typesetter uppercased this word; change written up to lowercase it.

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
199/4783	187	Carney	"...ten years..."	"...10 years..."
199/4786	187	"	"...clearned..."	"...learned..."
199/4795	187	Scheuer	"...Gentleman..."	"...gentleman..."
199/4799	187	Walker	"...Chairman..."	******** "...chairman..."
201/4848	188	--	"Mr. BERTINUSON."	"Ms. BERTINUSON."
201/4850	188	Bertinuson	"...Vice Chairman..."	"...vice chairman..."
202/4851	188	"	"...Chairman..."	"...chairman..."
202/4855	188	--	"Mr. BERTINUSON."	"Ms. BERTINUSON."
202/4858	188	--	"Mr. BERTINUSON."	"Ms. BERTINUSON."
202/4869	188	--	"Mr. BERTINUSON."	"Ms. BERTINUSON."
202/4871	189	Walker	"...impession..."	"...impression..."
202/4872	189	"	"...Chairman..."	"...chairman..."
202/4874	189	--	"Mr. BERTINUSON."	Ms. BERTINUSON."
202/4874	189	Bertinuson	"...Chairman..."	******** "...chairman..."
203/4879	189	Walker	*********** "...Governemnts..."	"...Governments..."
203/4880	189	--	"Mr. BERTINUSON."	"Ms. BERTINUSON."
203/4890	189	Walker	"...Administration..."	"...administration..."
203/4894	189	"	"...Administration..."	"...administration..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
203/4896	189	Walker	"...sluggist..."	"...sluggish..."
203/4900	189	"	"...Administration..."	"...administration..."
204/4908	189	Easton	"...state..."	"...State..."
204/4908-4909	189	"	"...have over the history of EPA because..."	"...have, over the history of EPA, because..."
204/4914	189	"	"...Administration..."	"...administration..."
204/4915	189	"	"...state..."	"...State..."
205/4931	190	Walker	"...Administration."	"...administration."
205/4933	190	"	"...Administration..."	"...administration..."
205/4934	190	Scheuer	"...Gentleman..."	"...gentleman..."
205/4935	190	Walker	"...Gentleman..."	"...gentleman..."
205/4937	190	Scheuer	"...Gentleman."	"...gentleman."
205/4939	190	Hiler	"I think that what a lot of this debate points out today, the witness in the previous panel pointed this out, the easy questions have been answered."	"I think that what a lot of this debate points out today, and as the witness in the previous panel pointed this out, the easy questions have been answered."
205/4942	190	"	"Getting 90 percent of the particulate matter out of the air, that was the easy part."	"Getting 90 percent of the particulate matter out of the air was the easy part."
205/4943-4944	190	"	"Getting the last 10 or 5 percent, that is where it becomes difficult."	"Getting the last 10 or 5 percent is where it becomes difficult."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
205/4945-4947	190	Hiler	"We get to acid rain which is an extraordinarily difficult type concept to deal with, the answers may be in for you in Vermont."	"We get to acid rain which is an extraordinarily difficult concept to deal with. The answers may be in for you in Vermont."
205/4947	190	"	"You feel the effects, the answers are in for you."	"You feel the effects; the answers are in for you."
205/4948	190	"	"...representative..."	"...Representative..."
206/4958-4959	190	"	"I think that we are at the point where the rubber is meeting the road, that is the difficulty..."	"I think that we are at the point where the rubber is meeting the road; that is the difficulty..."
206/4963-4968	190	"	"You pointed out, Representative, I do not think you did, Mr. Easton you did, but it corresponds with the Gentleman from New York's comments, local managers of the state sewage treatment plan programs have been pleased by the recent speed up of EPA in simplifying regulations and passing more discretionary authority to state officials."	"You pointed out, Mr. Easton,* that local managers of the State sewage treatment plan programs have been pleased by the recent ******* speedup of EPA in simplifying regulations and passing more discretionary authority to State officials."
206/4969	190	"	"Those areas where it is possible to speed up and where it is possible to have simplifications and regulations simplified and continue to meet the law, they are working there."	"In those areas where it is possible to speed up and where it is possible to have simplifications of regulations and continue to meet the law, EPA is working well."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
207/4978-4985	190	Hiler	"I think that while you may not agree with it, speaking as someone from the Ohio Valley, I would rather see us double the amount of money put into research to be sure if we put the scrubbers on our power plants, and 96 percent of the electricity generated in Indiana comes from coal and before we put the scrubbers on that will increase the cost to consumers by 50 and 60 percent, I want to be sure it will solve your problem."	"I think that while you may not agree with it, I would rather see us double the amount of money put into research to be sure that if we put the scrubbers on our powerplants, it will solve your problem. I am from the Ohio Valley and 96 percent of the electricity generated in Indiana comes from coal. Putting scrubbers on our powerplants will increase costs to consumers by 50 to 60 percent."
207/4986-4987	190	"	"I do not want to do it because you have a problem and let's spend money somewhere."	"I do not want to do it because you have a problem and want to spend money somewhere."
207/4992	190	"	"If you would like to respond?"	"Would you like to respond?"
207/4993	191	--	"Mr. BERTINUSON."	"Ms. BERTINUSON."
207/4994	191	Bertinuson	"...state..."	"...State..."
207/4999	191	"	"...long range..."	"...long-range..."
208/5007-5008	191	Hiler	"...we have I think in the State of Indiana two waste disposals..."	"...we have in the State of Indiana two waste disposal sites..."
208/5011-5012	191	"	"You have been able to receive the positive property tax values and tax receipts,..."	"You have been able to receive the property taxes and income tax receipts,..."
208/5020	191	"	"...superfund."	"...Superfund."
208/5022-5023	191	"	"...the questions are now black and white, they are not the easy answers."	"...the questions are not black and white, and there are not the easy answers."
208/5025	191	"	"...states..."	"...States..."
208/5025	191	"	"...federal..."	"...Federal..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
209/5026	191	Hiler	"...government..."	"...Government..."
209/5027-5028	191	"	"...federal government..."	"...Federal Government..."
209/5029	191	"	"...question..."	"...issue..."
209/5029-5032	191	"	"...we have limited amounts of financial resources to deal with extraordinarily complex problems and I think as a representative and certainly as an elected official in the state of Vermont,..."	"...we have limited amounts of financial resources to deal with extraordinarily complex problems. I think you will agree as an elected official from the State of Vermont,..."
209/5041	191	Scheuer	"...the Chamber of Commerce;..."	"...the U.S. Chamber of Commerce;..."
209/5044-5047	191	--	"STATEMENTS OF HARVEY ALTER, CHAMBER OF COMMERCE; JERRY J. JASINOWSKI, NATIONAL ASSOCIATION OF MANUFACTURERS; TOBY ANTHONY, ENVIRONMENTAL INDUSTRY COUNCIL"	--
209/5050	191	Scheuer	"...five minutes."	"...5 minutes."
210/5053-5054	191-192	"	"...Mr. Harvey Alter..."	"...Dr. Harvey Alter..."
210/5054	192	"	"...the Chamber of Commerce..."	"...the U.S. Chamber of Commerce..."
210/5055	192	--	"HARVEY ALTER "	"HARVEY ALTER, MANAGER, RESOURCES AND ENVIRONMENTAL QUALITY DEPARTMENT, U.S. CHAMBER OF COMMERCE"
210/5057	192	Alter	"...Manager of the Resources and Environmental Quality Department..."	"...manager of the resources and environmental quality department..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
210/5061	192	Alter	"...Protetion..."	"...Protection..."
210/5074	192	"	"...refereed..."	"...referee..."
211/5079	192	"	"...the Chamber..."	"...the chamber..."
211/5083	192	"	"...the Chamber..."	"...the chamber..."
211/5098	192	"	"...the Chamber..."	"...the chamber..."
212/5107	192	"	"...about London,..."	"...about the recent London conference,..."
212/5108	193	"	"...to this day in my experience..."	"...to this day, in my experience..."
213/5126	193	"	"...paper: "Long-term..."	"...paper: Long-term..."
213/5131	193	"	"...long run." Progressive..."	"...long run. Progressive..."
213/5134	193	"	"...1960s..."	"...1960's..."
213/5138	193	"	"...management. The..."	"...management and the..."
213/5144	193	"	"...environmental protection agency."	"...Environmental Protection Agency."
213/5144-5145	193	"	"It is not as some seem to think the..."	"It is not, as some seem to think, the..."
213/5145	193	"	"...the environmental regulatory agency."	"...the Environmental Regulatory Agency."
214/5151	193	"	"...criticie..."	"...criticize..."
214/5157	193	"	"...non-use..."	"...nonuse..."
214/5170	194	"	"...at M.I.T...."	"...at MIT..."
214/5170	194	"	"..."One..."	"...One..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
214/5175	194	Alter	"...stopped." Mr. SCHEUER."	"...stopped. Mr. SCHEUER."
215/5177	194	Scheuer	"...five minutes..."	"...5 minutes..."
215/5178	194	Alter	"...I would hope where under..."	"...I would hope that under..."
215/5179	194	"	"...the staff has instructed..."	"...that your staff instructed..."
215/5179	194	"	"...ten minutes..."	"...10 minutes..."
215/5179	194	"	"...and everybody else..."	"...and whereas everybody else..."
215/5180	194	"	"...a generous five,..."	"...a generous 5 minutes,..."
215/5184-5185	194	"	"...the same courtesy as all the others."	"...the same courtesy extended to all the others."
215/5186	194	Scheuer	"...your five minutes."	"...your 5 minutes."
215/5191-5192	194	Alter	"...and as a participant..."	"...and as a former participant..."
215/5194	194	"	"...Administration..."	"...administration..."
215/5195-5196	194	"	"With the--based on the material givan..."	"Based on the material given..."
215/5196	194	"	"...in the printed statement I..."	"...in the printed statement, I..."
215/5200	194	"	"...deadlines..."	"...deadline..."
216/5201-5203	194	"	"We suggest Congress look into this and related issues such as politicization of the argument by some who claim to be nonpartisan."	"We suggest Congress look into this and the related issue of politicization of the arguments by groups who claim to be nonpartisan."

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Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
216/5203-5205	194	Alter	"We therefore must question some of their critiques, some of which were entered in the record earlier today."	"Hence, we must question some of their critiques, such as were entered in the record earlier today."
216/5206-5208	194	"	"We praise EPA for permitting the economy to supply jobs to supply basic seeds and fees I call an intellectual initiative."	"We praise EPA for permitting the economy to create jobs to supply basic needs and physical and intellectual amenities.
216/5208	194	"	"Business and industry was simply not welcome..."	"Business and industry was simply not welcome at EPA..."
217/5230-5237	195	"	"Praise EPA for keeping an open mind on issues. I am sorry this is so humorous to some in the audience, but in my personal experience over the years, I commend them for being willing to consider the evidence at hand; for being willing to consider what is good and right for the country rather than a knee-jerk reaction that the environment is bad and more regulations are needed."	"And we praise EPA for keeping an open mind on issues and commend them for being willing to consider the evidence at hand and for being willing to consider what is good and right for the country rather than have a knee-jerk reaction that the environment is bad and more regulations are needed."
218/5260-5262	214	Jasinowski	"The economy...is in a period of very weakened, and to some extent, decline."	"The economy...is in a period of very weakened and extended decline."
218/5265	214	"	"...in tems of..."	"...in terms of..."
219/5266	214	"	"...over $150 billion..."	"...over $50 billion..."
219/5273	214	"	"...regulations of which..."	"...regulations, of which..."
219/5277	214	"	"...in the least cost way that we can."	"...in the least cost, most productive way that we can."
219/5278	214	"	"...imporant..."	"...important..."
219/5284	214	"	"...Administrations..."	"...administrations..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
219/5286	214	Jasinowski	"...administrator..."	"...Administrator..."
220/5296	215	"	"Secondly,..."	"Second,..."
220/5296	215	"	"...small business office..."	"...small business ombudsman..."
220/5299	215	"	"A major problem..."	"Another major problem..."
220/5301	215	"	"...as I read it this has been..."	"...as I read it, this has been..."
220/5302	215	"	"...the CIP program..."	"...the SIP program..."
220/5305	215	"	"Finally, I think the bubble policy..."	"Finally, the bubble policy..."
220/5306	215	"	"...Administration..."	"...administration..."
220/5307-5308	215	"	"...with a creative least costly way of meeting objectives."	"...with a creative, least costly, way of meeting environmental objectives."
220/5308	215	"	"The theme I would like to stress..."	"The theme the NAM would stress..."
220/5310	215	"	"...agency..."	"...Agency..."
220/5311	215	"	"...economic challenges we face. I am not here..."	"...economic challenges we face. I am not here..."
220/5313	215	"	"I think we think in some cases..."	"In some cases perhaps..."
220/5314-5315	215	"	"I think in some cases..."	"In other cases..."
220-221/5315-5316	215	"	"I think whether..."	"Whether..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
221/5325	215	Jasinowski	"...for which I think there is..."	"...for which there is..."
221/5325-5326	215	"	"...a tremendous consensus in industry that we must meet."	"...a tremendous consensus in industry that we must continue to move forward."
221/5329-5330	215	"	"So it would seem to us that there are difficulties. But if you look..."	"So it would seem that EPA may have some difficulties, but if you look..."
222/5352	230	Anthony	"Mr Joseph Povey..."	"Mr. Joseph Povey..."
222/5353	230	"	"...President..."	"...president..."
222/5358	230	"	"...wastewater..."	"...waste water..."
223/5365-5366	230	"	"...its air, its land and its water."	"...its air, its land, and its water."
223/5370	230	"	"...industry, State and local organizations, and..."	"...industry, State, and local organizations, and..."
223/5371	230	"	"...number one..."	"...No. 1..."
224/5389	230	"	"...five minutes..."	"...5 minutes..."
224/5391-5392	230	"	"...air, water and land..."	"...air, water, and land..."
224/5392	230	"	"...four years..."	"...4 years..."
224/5394	230	"	"...power plants..."	"...powerplants..."
224/5395	230	"	"...plans..."	"...plants..."
224/5396	231	"	"...power plants..."	"...powerplants..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
224/5402	231	Anthony	"...five or six years..."	"...5 or 6 years..."
224/5402-5403	231	"	"Thus rapid progess was made..."	"Thus, rapid progress was made..."
225/5415-5416	231	"	"...if we have five-year appropriation periods."	"...if we had 5-year commitment periods."
225/5417	231	"	"...four years..."	"...4 years..."
225/5423	231	"	"The sitution..."	"The situation.."
225/5424	231	"	"...macro particulates..."	"...macroparticulates..."
225/5428	231	"	"...macro particulates..."	"...macroparticulates..."
225/5437-5438	231	"	"...two, three, four years."	"...2, 3, 4 years."
226/5441	231	"	"...brand-new..."	"...brand new..."
226/5451	231	"	"...Administration."	"...administration."
226/5454	232	"	"..."re-inventing the wheel." I'm..."	"...reinventing the wheel. I'm..."
226/5455	232	"	"...Administration."	"...administration."
226/5463	232	"	"...Acts and executive orders..."	"...acts and Executive orders..."
227/5465	232	"	"...executive orders..."	"...Executive orders..."
227/5467	232	"	"...business enterprise and..."	"...business enterprise, and..."
227/5471	232	"	"...to plan, design and construct."	"...to plan, design, and construct."
227/5472	232	"	"...power plant..."	"...powerplant..."
227/5473	232	"	"...to plan, design and construct."	"...to plan, design, and construct."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
227/5475	232	Anthony	"...power_plants..."	"...powerplants..."
227/5475	232	"	"...wastewater..."	************ "...waste water..."
227/5475	232	"	"...treatment plan."	"...treatment plants."
227/5479	232	"	"...power_plants..."	"...powerplants..."
227/5483-5484	232	"	"As soon as 198,..."	"As soon as 1981,..."
227/5485	232	"	"...multi-billion..."	"...multibillion..."
228/5490	232	"	"...multi-billion..."	"...multibillion..."
228/5499	232	"	"...problems often place at EPA's door..."	"...problems often placed at EPA's door..."
228/5509	232	"	"...towards..."	"...toward..."
229/5514	233	--	"[The statement of Mr. Anthony follows:]"	************************ "[Mr. Anthony's prepared statement follows:]"
230/5529-5530	240	Alter	"Orally, the offer was accepted on the spot, and we received written confirmation..."	"We requested by telephone and the offer was accepted on the spot. We received written confirmation..."
230/5337	240	Anthony	"...two weeks..."	"...2 weeks..."
231/5547	241	Scheuer	"Mr. Walker*, from Pennsylvania?"	"Mr. Walker from Pennsylvania?"
231/5549-5550	241	Walker	"...the five minute rule..."	"...the 5-minute rule..."
231/5551	241	"	"...who wee..."	"...who were..."
231/5555	241	"	"...the five minute rule..."	"...the 5-minute rule..."
231-232/5564-5566	241	Alter	"...we knew that the hearings were--word of mouth around town that the hearings were scheduled for..."	"...we knew that the hearings were to be held and were scheduled for..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
232/5566-5567	241	Alter	"And with some uncertainty that they would be held."	"Also, there was some uncertainty that they would be held."
232/5567-5570	241	"	"And I believe...showed me a letter he had received, a letter of invitation."	"I believe...showed me a letter of invitation he had received."
232/5570-5572	241	"	"Because our membership is so broad and diverse, we think so representative of business broadly in the United States, we felt..."	"Because our membership is so diverse and broadly representative of business in the United States, we felt..."
232/5577-5578	241	Jasinowski	"...was in touch with I believe the Majority..."	"...was in touch with, I believe, the majority..."
232/5580	241	"	"...Majority..."	"...majority..."
233/5599	241	Anthony	"No, we were invited."	"No; we were invited."
234/5636	242	Jasinowski	"...one of those debates where you get--you are finished with the..."	"...one of those debates where you are finished with the..."
234/5639	242	"	"...the Act..."	"...the act..."
235/5641	242	"	"...non-attainment..."	"...nonattainment..."
235/5644	242	"	"...Clean air aCt."	"...Clean Air Act."
235/5646	242	"	"...basic theme."	"...basic objective."
235/5647	242	"	"...the Act..."	"...the act..."
235/5647-5648	242	"	"...either the standards or the goals or objectives or the commitment."	"...either the standards, the goals, or the commitment."
235/5649	242	"	"For that reason we believe that it is a good Act."	"For that reason we believe that it is a good bill."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
235/5650	242	Jasinowski	"The second reason is again,..."	"The second reason for supporting reform of the Clean Air Act is that..."
235/5657	243	"	******* "...preform..."	"...perform..."
235/5663-5664	243	Hiler	"...when trying to advise those industries, and when those industries begin to look at future generations of pollution..."	"...when those industries begin to consider the future in terms of pollution..."
235/5665	243	"	"...certainly they have to..."	"...they have to..."
236/5666	243	"	"...of a H.R. 5252..."	"...of an H.R. 5252..."
236/5667-5669	243	"	"Do they view 5252 as a retreat on clean air and that they are going to lose all their business and no longer will the business of America have to be concrned about..."	"Do they view 5252 as a retreat on clean air meaning that they are going to lose all their clients for pollution control equipment and no longer will the businesses of America have to be concerned about..."
236/5674-5675	243	Anthony	"We have a position on the Clean Air Act."	"We have a position on the Clean Air Act, which I would like to request be included in the official record."
236/5681	243	"	"...Act..."	"...act..."
236 /--	243	--	--	"[The material referred to follows:]"
236/5683	247	Hiler	"Mr. Altr,..."	** "Dr. Alter,..."
236/5684	247	"	"...government..."	"...Government..."
236/5684	247	"	"...Chamber..."	******** "...chamber..."
236/5684-5685	247	Hiler	"...how do you vivew you analysis of 5252..."	"...how do you view 5252..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
236/5688	247	Alter	"...government..."	********** "...Government..."
237/5694-5695	247	"	"So the bill certainly as introduced,..."	"The bill as introduced,..."
237/5695	247	"	"...the print with that number on it is..."	"...the print with H.R. 5252 on it, is..."
237/5697	247	"	"What we despair at a little is..."	"What we despair at is..."
237/5697	247	"	"...seem to bbe..."	"...seem to be..."
237/5698-5701	247	"	"In talking about environmental issues, 5252, a Clean Air Act in particular, the experience is in the Administration to reach those goals, the clean air goals."	"In talking about environmental issues, the Clean Air Act in particular, industry's experience and the administration's policy are to reach the clean air health goals."
237/5701	247	"	"And just as soon..."	"Just as soon..."
237/5703-5704	247	"	"...a unified cry goes up as if we were indeed losing our commitment."	"...a unified cry goes up among certain groups as if the Nation was losing its commitment to environmental quality."
237/5705-5706	247	"	"...one of the things bandied around today, sometimes during the day, there have been statements such as..."	"...one of the things bandied about sometime during the day, were statements that..."
237/5707	247	"	"...Administration..."	"...administration..."
237/5709-5711	247	"	"Quite to the contrary, one of the complaints we had, if you will, is that EPA does not have a bill, the Administration does not have a bill."	"Quite to the contrary one of the complaints we have had, if you will, is that EPA did not offer a bill. The administration does not have a bill."
237/5711-5712	247	"	"All they proposed were the 12 principles."	"All they proposed were the 11 principles."
237/5713	247	"	"If you look at the 12 principles outstanding among them is,..."	"If you look at the 11 principles, outstanding among them is,..."

and I think that this uncertainty and the added costs that are involved through delay only hurt business in the long run.

Mr. ALTER. Mrs. Schneider, may I comment, please, on the R&D budget?

Mrs. SCHNEIDER. Yes.

Mr. ALTER. I tried to indicate ~~quickly~~ I have some experience as a R&D manager. Any time you review a R&D budget, all the good things; you list~~ed~~ for example; all the things EPA was doing or is doing, or might do or should do, I have to say that as a former participant and present observer in that program, not all are needed, in any R&D program there are certainly many ~~also a lot of~~ things that are needed but not ~~as mentioned earlier in the day when I believe you were out of the room, that you do because you have been doing them~~ absolutely necessary to do. ~~You build your internal constituency.~~ I have noticed that a good researcher is like a parent with a child when ~~in~~ defending a project. However, ~~Every~~ every once in a while a good R&D manager will go back and review projects, ~~do~~ something like a ZBB exercise and ask and question each project, ~~and say~~ does it fit in with the company goals or the agency goals? Those that don't should be canceled. ~~Or, at least you should do that.~~ I have noticed an awful lot of research projects in EPA ~~things~~ that I have to term ~~EPA research~~ as a vogue, and not reasonably fitting the Agency's mission. ~~something new came up.~~ ~~Gentlemen, we have got to plunge in an do it, whether or not it fit in with all the good reasons we are saying they should do research. I can go on with other things.~~ Perhaps, some R&D programs are done out of habit — or pride and build an internal constituency.

[illegible]

clt MM

now we are in a period of ZBB equivalent ~~or parallel~~ and have to say, well, let's start the D&R program over again, ~~see what~~ Examine our goals, ~~are~~ and ~~and~~ how the research fits into ~~it~~ and rebuild from there.

I don't know if ~~these~~ such are the facts. It is certainly my perception. ~~It~~ A ZBB type exercise may be a healthy thing to do every once in a while, every few years, to make sure that the Federal funds are being used for public purposes in the sense of backing up standards, ~~maybe~~ methods of analysis, and not being used to compete with the private sector in development of hardware, as Mr. Anthony has said. ~~and other tings which we could elaborate on.~~

Mrs. SCHNEIDER. But I would hope that you as a businessman would not be at all enthusiastic about review and change of direction every ~~two~~ 2 to ~~four~~ 4 years, which is how this body and the presidential elections do make determinations of policy direction.

I would think that, you know, the American people in poll after poll clearly indicate that they are willing to pay more in their taxes for environmental protection than to do without.

So I think that goal and standard is constant.

If you are talking about direction, that is one thing. But if you are talking about changing your modus operandi, or cutting down some of the barriers to get to some end, that is another.

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
238/5716	247	Alter	"So I don't know where all of these misconceptions come from."	"So I don't know where all of these misconceptions about gutting the act come from."
238/5720	248	"	"And they are just not true."	"They are just not true."
238/5722	248	Hiler	"...question_,..."	"...question,..."
238/5724-5725	248	"	"Would any of the three of you, and you represent somewhat diverse groups,..."	"The three of you represent somewhat diverse groups,..."
238/5733	248	"	"...membershlip..."	"...membership..."
238/5735	248	Jasinowski	"...the program as..."	"...the program has..."
238/5738	248	"	"There has been..."	"There have been..."
238/5738	248	"	"...profesional..."	"...professional..."
239/5747	248	Scheuer	"...testimony_,..."	"...testimony,..."
239/5748	248	"	"...modreate and very..."	"...moderate, and very..."
239/5763	248	"	"...profit-making..."	"...profitmaking..."
240/5768	248	Jasinowski	"...question_,..."	"...question,..."
240/5776-5777	240	Scheuer	"...at 16-½ and 17 percent..."	"...at 16½ and 17 percent..."
240/5779	240	"	"...16 or 16-½..."	"...16 or 16½..."
240/5785	249	"	"...thlink..."	"...think..."
240/5786-5787	249	"	"...for corporations to lay other expenditures in R&D..."	"...for corporations to make other expenditures in R&D..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
241/5797-5798	249	Jasinowski	"There, I think, that there is more of a question."	"There, I think, that is more of a question."
241/5799	249	"	"I think it, therefore, goes to..."	"It goes to..."
241/5804-5805	249	"	"I do think that there is a role for government with respect to R&D,..."	"There is general feeling among our members that there is a role for government with respect to basic R&D,..."
241/5805	249	"	"...nture..."	"...nature..."
241-242/5815-5816	249	Scheuer	"...two or three-year period."	"...2- or 3-year period."
242/5818	249	"	"...R&d..."	"...R&D..."
242/5827	249	"	"...environment_?"	"...environment?"
242/5832	249	Jasinowski	"...would have thair own judgment."	"...would be able to make their own judgment."
242/5834	249	--	"[The information follows:]"	"[The answer not supplied at time of printing.]"
243/5841	250	Jasinowski	"...the committee is well to pursue."	"...the committee would do well to pursue."
243/5843	250	Scheuer	"...ten days?"	"...10 days?"
243/5845	250	Anthony	"...question_?"	"...question?"
244/5865	250	Schneider	"...testimony_,..."	"...testimony,..."
244/5872	250	"	"...businessmen are obviously most interested in."	"...businessmen are, obviously, most interested in."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
244/5879	250	Schneider	"...government..."	"...Government..."
245/5886	250	"	"...a 36 percent cut..."	"...a 36-percent cut..."
245/5895-5896	250	"	"...on a long-term research..."	"...on long-term research..."
245/5896	250	"	"...tsts..."	"...tests..."
245/5908	251	"	"...decision-making."	"...decisionmaking."
246/5915	251	"	"...question_,..."	"...question,..."
246/5922	251	Anthony	"Number one,..."	"No. 1,..."
246/5923	251	"	"...five, six years,..."	"...5, 6 years,..."
246/5926	251	"	"...reliquishing..."	"...relinquishing..."
246/5928	251	"	"...rts..."	"...rates..."
246/5933	251	"	"...NOX..."	"...NO$_X$..."
246/5933	251	"	"...macro-particulates..."	"...macroparticulates..."
247/5956	251	Schneider	"...Amendments..."	"...amendments..."
247/5957	252	"	"So it was interesting..."	"So, it was interesting..."
248/5965	252	Alter	"...budget_?"	"...budget?"
248/5967	252	"	"I tried to indicate quickly I have some experience as a R&D manager."	"As I tried to indicate, I have some experience as an R&D manager."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
248-249/ 5968-5997	252	Alter	[See next two pages]	[See next two pages] [Handwritten changes represent differences between transcript and corrected galley.]
249/5999	252	Schneider	"...two to four years..."	"...2 to 4 years..."
249/6000	252	"	"...presidential elections..."	"...Presidential elections..."
250/6011	252	Alter	"My comment is in the context..."	"My comments on ZBB type review is in the context..."
250/6012-6013	252	"	"...not in the context of the other."	"...not in the context of the other topics."
250/6026	253	Scheuer	"...Volume II,..."	"...volume II,..."
251/6038	253	"	"...Chairman..."	"...chairman..."
251/6039	253	"	"...members..."	******* "...Members..."
252/6062-6063	253	Jasinowski	"...Mr. Robertson was writing, really, primarily, in his views and did not..."	"...Mr. Robertson was stating, really, primarily his own views which did not..."
252/6065	253	"	"...Chairman..."	"...chairman..."
252/6071	253	"	"...strongly-held views..."	"...strongly held views..."
252/6080	253	Scheuer	"...to suppress--express their support..."	"...to express their support..."
252/6083	254	"	"...concerns. "There..."	"...concerns. There..."
253/6088	254	"	"...performances." Now..."	"...performances. Now..."
253/6096	254	Jasinowski	"And we are not--we are working..."	"And we are working..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
253/6103-6104	254	Scheuer	"It is 20 minutes after four."	"It is 20 minutes after 4."
253/6108-6109	254	--	"[Whereupon, at 4:20 p.m., the subcommittee adjourned, to reconvene subject to the call of the Chair.]"	"[Whereupon, at 4:20 p.m., the subcommittees adjourned, to reconvene at 9:00 a.m., Thursday, July 22, 1982.]"

HEARINGS OF THURSDAY, JULY 22, 1982

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
2/33	1	Moffett	"...subcommittee..."	* "...subcommittees..."
2/34	1	--	"...will come to order. *** ************** Mr. SENSENBRENNER. The gentleman from Massachusetts."	"...will come to order.[1] The gentleman from Massachusetts."
2/42	2	Frank	"Mr. Chairman."	* "Mr. Chairman?"
3/53	2	"	"...Administration..."	"...administration..."
3/68	2	"	"...representatives..."	"...Representatives..."
3/73	2	"	"...to be dealt with in an atmosphere..."	"...to be dealt with in[2] an atmosphere..."
4/78	2	"	"...representative..."	"...Representative..."
4/88	2	"	"No I am not finished."	* "No; I am not finished."
5/114	3	Walker	"...fact-findings..."	"...factfindings..."
5/120	3	"	"...denied..."	* "...denied,..."
5/120	3	"	"...strongly denied. yet in the..."	"...strongly denied. Yet in the..."
6/149	3	"	"For six and a half hours of hearings yesterday, the majority had about one or two people here the great majority of that time."	"For 6½ hours of hearings yesterday, the ******** minority had about one or two people here for most of that time."

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[1] Correction written on galley to combine material before and after deleted name in same paragraph.
[2] Typesetter combined "with" and "in" as one word; correction written on galley to change to two words.

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What O-iginal Transcript Says	What Corrected Galley Says
7/152 - 156	3	Hiler	"I think it was a great disservice to the witnesses we had here after calling a tremenous number of witnesses from all over the country here to appear before four committees of Congress, then to have very, very few people on the majority side who called this particular hearing."	"I think it was a great disservice to the witnesses we had here after calling a tremendous number of them from all over the country to appear before three committees of Congress, then to have very, very few people on the minority side in attendance, even though they called th.. particular hearing."
7/159	3	"	"...Massachusetts'..."	"...Massachusetts..."
8/184	4	"	"...alloted..."	"...allotted..."
8/186	4	"	"...the minority asked two additional witnesses join Mr. Ruckelshaus..."	"...the minority asked two additional witnesses to join Mr. Ruckelshaus..."
8/191	4	"	"...minority member Myers and Mr. Gregg on a panel."	"...minority members[1] Mr. Myers and Mr. Gregg on a panel."
8/--	4	Moffett	--	I'd also like to note that the minority, contrary to its statements yesterday and today, was provided with all witness letters sent out by the committee as soon as those letters were issued./See app. 1 / [2]The minority has, therefore, known, in some cases for some weeks now, most of the witnesses who were scheduled to appear before the body. Moreover, where there was confusion about witnesses appearing, that confusion resulted from EPA's refusal to guarantee Administrator Gorsuch's appearance until the last moment. Finally, although by letter of July 15, 1982, we asked EPA to provide all members with documents prepared by EPA in anticipation of these hearings, the majority never received a single document.

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[1] Typesetter inserted comma after "member"; correction written on galley to delete it.

[2] Typesetter spelled out "appendix"; correction written on galley to abbreviate it.

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
8/198	4	Moffett	"...Administration..."	"...administration..."
9/203	4	"	"...Administration..."	"...administration..."
9/203	4	"	"...five months..."	"...5 months..."
9/208	5	"	*********** "...land fills..."	"...landf[illegible]."
9/211	5	"	"...agency..."	"...Agency..."
9/214	5	"	"We have seen policies which seem to emanate from closed-door meetings with special interest."	"We h[illegible] seen [illegible]ies which seem to emanate from [illegible] meetings with special interests."
9/214	5	"	"...78 percent..."	"...78-percent..."
9/214	5	"	"...headquarters..."	"...headquarters..."[1]
9/216	5	"	--	".../_See app. 2._/"[2]
9/217	5	"	"We have seen regulations proposed supported by the chemical industry..."	"We have seen regulations proposed and supported by the chemical industry..."
10/233	5	"	************** "...Subcommittee on Natural Resources, Agricultural, Research and Environment..."	"...Subcommittee on Natural Resources, Agriculture Research and Environment..."
10/249	5	Winn	************* "...double-check..."	"...doublecheck..."
11/258	5	"	**** "...check the true facts."	"...check the facts."

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[1] Typesetter uppercased this word; correction written on galley to lowercase it.

[2] Typesetter spelled out "appendix"; correction written on galley to abbreviate it.

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
11/259	5	Winn	"...onsidered..."	"...considered..."
11/262	5	"	"...appreciate since..."	"...appreciate, since..."
11/267	6	Moffett	"...okayed..."	"...OK'd..."
12/298	6	Scheuer	"...6:00..."	"...6 p.m...."
15/365	7	Walker	"...roll call..."	"...rollcall..."
15/371	7	"	"...Administration..."	"...administration..."
16/379	7	"	"...five-minute..."	"...5-minute..."
16/380	7	"	"...I ill say..."	"...I will say..."
16/384	8	"	"...ou committee..."	"...our committee..."
16/388	8	"	"...any thing..."	"...anything..."
16/393	8	"	"...Minority..."	"...minority..."
17/401-402	8	"	"...teh Minority..."	"...the minority..."
17/403	8	"	"...Minority..."	"...minority..."
17/416	8	"	"...Minority..."	"...minority..."
17/425	8	"	"...Administration..."	"...administration..."
18/429	8	"	"...Minority..."	"...minority..."
18/433	8	"	"...ensure..."	"...insure..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
19/455	9	Walker	"...five minute..."	"...5-minute..."
19/463	9	Moffett	"Secondly..."	"Second..."
19/473	9	"	"It says, among other things..."	"It includes, among other things..."
19/474	9	"	"...assistant administrator..."	************************ "...Assistant Administrator..."
20/477	9	"	"...5:00 p.m."	"...5 p.m."
20/481	9	"	"...Minority..."	"...minority..."
20/484	9	--	--	************************************ "/_The material referred to follows:_7
20/485	9	Moffett	************ "Mr. MOFFETT. So the gentleman in order, let's tell the full story."	"So let's tell the full story."
20/494	9	"	"No, I deny that was the case."	- ************ "No, that was not the case."
20/495	9	--	"/_The opening statement of Mr. Moffett follows:_/	********************** "/_Mr. Moffett's opening statement follows:_/
21/507	14	Gore	"...Minority..."	"...minority..."
21/508	14	"	"...Administration..."	"...administration..."
21/515	14	"	"...he..."	"...the..."
21/519	14	"	"...40 percent..."	"...40-percent..."
21/521	14	"	"...nation's..."	"...Nation's..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
22/527	14	Gore	"...promulgated and..."	"...promulgated, and..."
22/535	14	"	"...Administration's..."	"...administration's..."
22/540	14	"	"...nation's..."	"...Nation's..."
22/542	14	"	"...agency's..."	"...Agency's..."
22/544	14	"	"--Is enforcement..."	"Is enforcement..."
23/552	14	"	"--Is EPA retaining..."	"Is EPA retaining..."
23/557	15	"	"...RIFs..."	"...RIF's..."
23/560	15	"	"--Is the EPA improving..."	"Is the EPA improving..."
23/561	15	"	"...Administration..."	"...administration..."
23/561	15	"	"Let's look at the Office of Research and Development. Eighteen months into the Administration..."	Let's look at the Office of Research and Development: 18 months into the administration..."
23/565	15	"	"...agency..."	"...Agency..."
23/565	15	"	"...five-year..."	"...5-year..."
23/567	15	"	"...22 percent..."	"...22-percent..."
23/568	15	"	"...Fiscal Year..."	"...fiscal year..."
24/576	15	--	"[The statement of Mr. Gore follows:]"	"[Mr. Gore's-prepared statement follows:]"
25/585	19	Carney	"...C5A..."	"...C-5A..."
25/594	19	"	"...fourteenth..."	"...14th..."
25/596	19	"	"...seventy-fifth..."	"...75th..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
25/598	19	Carney	"...1st..."	"...1..."
26/605	19	--	"/_The statement of Mr. Scheuer follows:_7"	"/_Mr. Scheuer's opening statement follows:_7"
27/608	24	Moffett	"...Chairman..."	"...chairman..."
27/616	24	Dannemeyer	"...five-minute..."	"...5-minute..."
27/618	24	"	"...five-minute..."	"...5-minute..."
27/621	24	--	"Mr. MOFFETT.,"	"Mr. MOFFETT."
27/622	24	Moffett	"...five-minute..."	"...5-minute..."
27/623	24	"	"We urge our witnesses, and we have been--we have been urging, with some success in some instances and not too much in others, the witnesses to keep their, try and keep their statements down, their oral statements, to about five minutes."	"We have been urging our witnesses, with some success in some instances and not too much in others, to try and keep their oral statements down to about 5 minutes."
28/633	24	Dannemeyer	"...Minority..."	"...minority..."
28/637	24	Moffett	"...five-minute..."	"...5-minute..."
28/642	24	--	"STATEMENT OF THE HONORABLE JAMES FLORIO..."	"STATEMENT OF HON. JAMES FLORIO..."
28/647	24	Florio	"...policies of EPA that have been published over the last 18 months."	"...policies of EPA that have been adopted over the last 18 months."
28/651	24	"	"...semi-contentiousness..."	"...semicontentiousness..."
28/659	24	"	"...Ranking Minority Member..."	"...ranking minority member..."
29/668	25	"	"...the basic question is: are we..."	"...the basic question is: Are we..."[1]
29/669	25	"	"...clearly no. What..."	"...clearly "no." What..."

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[1] Typesetter inserted colon after "question" and uppercased "is"; correction was written on galley to insert colon after "is," to lowercase "Is" and to uppercase "are."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
29/672	25	Florio	"In...Washington Post was an article..."	"In...Washington Post there was an article..."
29/673	25	"	"...a nationwide survey have determined industrial chemicals..."	"...a nationwide survey has determined that industrial chemicals..."
29/674	25	"	"...under water..."	"...underwater..."
29/675	25	"	"...nation..."	"...Nation..."
30/693	25	"	"...an industrial standard."	"...an industrial solvent."
30/706	25	"	"...Trust..."	"...trust..."
31/ 708-709	25	"	"...by partisanly supported legislation..."	"...by bipartisan supported legislation..."
31/709	25	"	"...Administration..."	"...administration..."
31/711	25	"	"...cleanup..."	"...clean up..."
31/ 718-721	25	"	"...shows that the estimated total revenues...for fiscal years 1981-1983 will be $845 million of that amount. EPA has requested..."	"...shows that the estimated total revenues...for 1981-83 will be $845 million. "Of that amount, EPA has requested..."
32/735	26	"	"...one site..."	"...1 site..."
32/739	26	"	"...fially..."	"...finally..."
32/739	26	"	"...Plan..."	"...plan..."
32/744	26	"	"...partiuclar..."	"...particular..."
33/757	26	"	"...lift..."	"...list..."
33/758	26	"	"...District..."	* "...district..."
33/763	26	"	"...a year..."	* "...1 year..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
33/764	26	Florio	"Another year of my subcommittee's jurisdiction..."	"Another area of my subcommittee's jurisdiction.."
33/766	26	"	"...marketplace.."	"...marketplace."
33/768	26	"	"...worklace..."	"...workplace..."
33/770	26	"	"...in the past one and a half years the Agency has initiated no control actions..."	"...in the last 1½ years the Agency has initiated no new control actions..."
33/778	26	"	"...has gone..."	"...have gone..."
34/788	27	"	"...Agency..."	"...agency..."
34/790	27	"	"...Clean Air..."	"...clean air..."
34/794	27	"	"...Act..."	"...act..."
34/795	27	"	"...whoel..."	"...whole..."
35/813	27	"	"Over the past years..."	"Over the past 1½ years..."
35/814	27	"	"...regulations regulations reltaing..."	"...regulations relating..."
35/825	27	"	"...three final permits..."	"...3 final permits..."
36/845	28	"	"...revrsals..."	"...reversals..."
36/854	28	"	"...Administration..."	"...administration..."
36/854	28	"	"...rfuses..."	"...refuses..."
36-37/ 856-858	28	"	"By creating confusion and uncertainty as to what it is that is going on cannot make the capital decisions..."	"By creating confusion and uncertainty as to what it is that is going on, business cannot make the capital decisions..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
37/862	28	Florio	"...hardre..."	"...harder..."
37/867	28	"	"...absoutely..."	"...absolutely..."
37/874	28	"	"...apprpriate..."	"...appropriate..."
37/878	28	"	"...Administration..."	"...administration..."
38/895	28	--	"/_The statement of Mr Florio follows:_7"	"/_Mr. Florio's prepared statement follows:_7"
39/906	44	Scheuer	"...four months..."	"...4 months..."
39/909	44	Florio	"...Superfund..."	"...Superfund..."[1]
39/912	44	"	"...District..."	"...district..."
39/914	44	"	"...special supplemental appropriation, that these 17 sites around the Nation were of signficant imminent hazard..."	"...special supplemental appropriation. These were 2 of 17 sites around the Nation of significant imminent hazard..."
39/917	44	"	"...Superfund..."	"...Superfund..."[2]
39/ 919-920	44	"	"...Superfund mnoies...those monies..."	"...Superfund[1] moneys...those moneys..."
40/922	44	"	"...two sites..."	"...2 sites..."
40/925	44	"	"...two weeks..."	"...2 weeks..."
40/925	44	"	"...eone site..."	"...one site..."
40/926	44	"	"...PCB laden..."	"...PCB-laden..."
40/929	44	"	"...thousand dollar..."	"...$1,000..."

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[1] Typesetter lowercased this word; correction written on galley to uppercase it.
[2] Typesetter lowercased this word; correction written on galley to uppercase it.

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
40/933	44	Florio	"...authorilzed..."	"...authorized..."
40/935	44	"	"...Superfund..."	"...Superfund..."[1]
40/935	44	"	"...monies..."	"...moneys..."
40/938	44	"	"...objctive..."	"...objective..."
40/ 945-946	44	Walker	"...quotes I would like to read to you, see if you agree with what they are saying."	"...quotes I would like to read to you, [**]to see if you agree with what they are saying:[*]"
41/947	44	Florio	"...prsent..."	"...present..."
41/948	44	"	"...agency..."	"...Agency..."
41/954	44	"	"...Administrations..."	"...administrations..."
41/955	44	"	"...Administration..."	"...administration..."
41/955	44	"	"...Administration..."	"...administration..."
41/958	45	"	"...Administrations..."	"...administrations..."
41/966	45	"	"...conscous..."	"...conscious..."
41/970	45	Walker	"...Administration..."	"...administration..."
42/974	45	"	"...Administration..."	"...administration..."
42/975	45	"	"...says, alarming enough..."	"...says--***alarming enough..."
42/978	45	"	"Without other urging them on..."	"Without either urging them on..."
42/979	45	"	"...proceed.1"	"...proceed."

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[1] Typesetter lowercased this word; correction written on galley to uppercase it.

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
42/980	45	Walker	"...Administration..."	"...administration..."
42/ 995-996	45	Florio	"...I would categorize it as a radical philosophy, that **** EPA that did commence with the beginning of the * of this Administration ."	"...I would categorize it as a radical philosophy that EPA did commence with the beginning of this administration."
43/998	45	"	"...Administration..."	"...administration..."[1]
43/998	45	"	"...Administrations."	"...administrations."[1]
43/999	45	"	"...Administration..."	"...administration..."[1]
43/1000	45	"	"...Administration."	"...administration."[1]
43/1003	45	"	"...Administrations."	"...administrations."[1]
43/1014	45	"	"...Administration..."	"...administration..."[1]
43/1021	46	"	"...Environmental Subcommittee..."	"...environmental subcommittee..."
44/1022	46	"	"...Administration..."	"...administration..."[1]
44/1022	46	"	"...groundwater..."	************* "...ground water..."
44/1035	46	Gore	"...Superfund."	"...Superfund."[2]
45/1049	46	"	"...Administration..."	"...administration..."[1]
45/1051	46	"	"...Administration..."	"...administration..."[1]
45/1063	46	Florio	"...monies..."	"...moneys..."

[1] Typesetter misspelled this word; correction written on galley to correct it.

[2] Typesetter lowercased this word; correction written on galley to uppercase it.

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
45/1065	46	Florio	"...monies..."	"...moneys..."
45/1067	46	"	"...monies..."	"...moneys..."
47/1101	47	"	"...we are saying and spend those moneys,..."	"...we are saying go and spend those moneys,..."
47/1110	47	Hiler	"...pre-manufacturing..."	"...premanufacturing..."
47/1120	47	"	"...pre-manufacturing..."	"...premanufacturing..."
47/1121	47	"	"...a low risk, and if..."	"...a low risk. If..."
48/1123	47	"	"...no unreasonable risk in which the EPA could accept..."	"...no unreasonable risk, the EPA could accept..."
48/1124	47	"	"...determinations..."	"...determination..."
48/1125	47	"	"...pre-manufacturing..."	"...premanufacturing..."
48/1141	48	"	"...Chairman..."	"...chairman..."
49/1149	48	Fithian	"...foud..."	"...found..."
49/1158	48	Florio	"...yes,..."	"..."yes,"..."
49/1167	48	"	"...agency..."	****** "...Agency..."
50/1183	48	Carney	"...eight..."	"...8..."
51/ 1204-1205	49	Florio	"...Catch 22 situation."	***** "...catch-22 situation."[1]
52/122[illegible]	49	Carney	"...Subcommittee Chairman..."	"...subcommittee chairman..."
52/1236	49	Whittaker	"...Chairman."	"...chairman."

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[1] Typesetter inserted quotation marks before and after this phrase; correction written on galley to delete them.

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
52/1241	49	Whittaker	"...in,..."	"...is,..."
53/1258	50	--	"/_Mr. Myers prepared statement follows:_/"	"/_Mr. Myers' prepared statement follows:_/"
54/ 1260-1261	50	--	"/_Mr. Rinaldo's prepared statement follows:_/******** **COMMITTEE INSERT************"	--
55/1263	52	--	"...HONORABLE JUDD GREGG..."	"...HON. JUDD GREGG..."
55/1266	52	Gregg	"...pre-notice..."	"...notice..."
55/1273	52	"	"...request I be..."	"...request that I be..."
55/1275	52	"	"...immaterial, and I..."	"...immaterial. I..."
55/1278	52	"	"...Majority side..."	"...minority side..."
55/1282	52	"	"...Majority......Minority..."	"...majority......minority..."
56/1287	52	"	"...left at a very..."	"...left in a very..."
56/1289	52	"	"...Majority..."	"...majority..."
56/1290	52	"	"...and so many..."	"...and in so many..."
56/1290	52	"	"...we could have addressed them, and I strongly suspect..."	"...we could have addressed them. However, I strongly suspect..."
56/1293	52	"	"...Majority..."	"...majority..."
56/1295	52	"	"...Majority..."	"...majority..."

Statement by Congressman Judd Gregg on the Superfund and the Environmental Protection Agency

In a period when public perceptions of issues are often formed by simplified mass media presentations, our view of the federal government frequently tends to be badly distorted. Probably no agency during this Administration has fallen victim to the media more than the Environmental Protection Agency (EPA).

To hear some tell it, "Our natural resources are being ravaged and the EPA is unwilling or unable to intervene."

Such sweeping allegations on the part of the media or the general public are very disturbing to those of us from New England where there is unquestionable evidence of the increasing concern for our natural resources in both the private and public sectors.

For those of us in New Hampshire, a state which depends on its natural environment as a primary economic resource, it has been reassuring to discover that the EPA still lives. In its handling of the nation's first case under the Superfund, a program created by the 96th Congress to clean-up the country's worst toxic waste dumps, the Agency displayed the will and resources to effectively get the job done.

In August, 1979 an extremely hazardous toxic waste dump was discovered in Nashua, the second largest city in New Hampshire. The Gilson Road dump site had been illegally used by the "midnight dumpers" of the 1970's for the disposal of liquid and solid hazardous waste. More than a thousand drums of chemicals were scattered over the surface of the site and for more than ten years hazardous liquid wastes had been illegally poured directly into the earth through hidden markeshift pipes.

The seriousness of the situation was compounded by several factors. The site was adjacent to a residential area housing several hundred families. There was the potential for chemical explosions, and carcinogens were discovered in the liquids. And worst of all, the plume of groundwater wastes, containing acutely toxic and carcinogenic chemicals, was moving into the Nashua River—a water source from which several cities downstream (including Lowell and Lawrence Massachusetts) draw their drinking water. The Gilson dump site was a major disaster waiting to happen.

In 1979 and 1980, New Hampshire state officials and the EPA took preliminary steps toward cleaning-up the site. However, it was not until Congress passed the Superfund law in December 1980, that there was a potential fast-track along which the clean-up operations could proceed.

On January 29, 1981, a representative of my office along with a group of Nashua residents met with the regional administrator of the EPA to discuss alternatives available to us under the new Superfund law, and the seriousness of the situation. On February 27, one day after EPA Administrator, Ann Gorsuch had been sworn into office, I forwarded a written request to the Administrator requesting Superfund dollars for the Gilson site. After meetings with the New Hampshire Water Supply and Pollution Control Department and the Governor's office, a letter from the State was sent to the EPA, requesting Superfund assistance and agreeing to meet the State's share of responsibilities as specified in the law. On June 8, a heavily attended public hearing was held in Nashua where residents had the opportunity to discuss the problem with State officials and representatives from the regional and Washington EPA offices. The response to the meeting was very positive, and residents of the area were given the assurance that ameliorating steps would be taken to clean up the site.

The following day, State and Federal officials met again in an all-day session to discuss the technical aspects of cleaning-up the Gilson site. On June 30, the State submitted a formal application requesting Superfund assistance. And, on August 24, only three months after a formal request had been made to the EPA, New Hampshire was awarded over $2 million in the first cooperative agreement established with a State and the federal government under the Superfund law.

Using these funds, the State would carry out a study of various ground water treatment, options and would be responsible for the design and construction of a slurry wall and cap to contain the wastes on the Gilson Road site. In addition, EPA committed to install and operate an interim ground-water pumping and recycling system which would keep the containment from reaching the stream below ground, while the slurry wall and cap were under construction.

Subsequent work showed that the below ground containment—originally thought to affect some 12 acres—had spread significantly, and now covered over 20 acres. This meant that the slurry wall and cap would have to be expanded. In addition, geological data collected at the site showed that the treatment of the ground water within the containment system would be necessary.

Thus, on April 27, 1982 the New Hampshire Congressional delegation met with Administrator Gorsuch to discuss the additional work and commensurate costs. On June 22, the State-EPA cooperative agreement was amended to provide New Hampshire with another $2 million for expansion of the containment system and to design a system to treat the contaminated ground water.

New Hampshire was successful in receiving prompt action under the Superfund because local and state officials, the EPA, and residents of Nashua stayed in constant contact and worked together. During this process, the EPA regional officials in Boston and Washington responded to our requests and to the urgency of the situation with speed and competency uncharacteristic of many operations of the federal government. Further, it is a credit to the EPA, and all parties involved, that a new piece of legislation, as complicated as the Superfund, could be hammered into shape and successfully implemented within four months.

Toxic waste has become this nation's most immediate environmental health problem, although in New Hampshire it is our most immediate and vital health problem. It is a problem that must be addressed in an efficient manner by locating the worst sites in the nation and cleaning them up. If the EPA uses the Gilson site as a precedent for the administration of Superfund dollars, the law will serve this nation as effectively as Congress intended—a level which, further, is not often achieved.

EPA's decisive action in this case is a feather in a battle worn cap which deserves recognition.

witnesses.

Statement ~~TESTIMONY~~ OF ~~HON.~~ ANNE M. GORSUCH, ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY; ACCOMPANIED BY JOHN HERNANDEZ, DEPUTY ADMINISTRATOR; ~~ENVIRONMENTAL PROTECTION AGENCY;~~ ROBERT M. PERRY, GENERAL COUNSEL; ~~OFFICE OF GENERAL COUNSEL, U.S. ENVIRONMENTAL PROTECTION AGENCY;~~ RITA LAVELLE, ACTING ASSISTANT ADMINISTRATOR FOR SUPERFUND; ~~ENVIRONMENTAL PROTECTION AGENCY;~~ AND COURTNEY RIORDON, ACTING ASSISTANT ADMINISTRATOR FOR RESEARCH AND DEVELOPMENT, ~~ENVIRONMENTAL PROTECTION AGENCY~~

~~Mr. MOFFETT.~~ Thank you for being here.

We do have your prepared statement, and without objection, that will be considered a part of the record. You may proceed in any manner you may desire. We would appreciate any shortening of your statement, but again, it is entirely your decision as to how you proceed.

Ms. GORSUCH. I have been directed by the inviters of the

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
56/ 1298-1299	53	Gregg	"...that is not a chairman of a Republican Committee that is..."	"...that is not a Republican chairman of a committee that is..."
56/ 1300-1301	53	"	"...or not the Chairman of a Republican committee that has..."	"...or not a Republican chairman of a committee that has..."
56/1303	53	"	"It is not the Chairman of the Republican Committee..."	"It is not the chairman of a Republican committee..."
56/1311	53	"	"...secondmost..."	"...second..."
57/1319	53	"	"...and so, in August of 1979, an extremely..."	"...and so, it was in August of 1979, when an extremely..."
57/1322	53	"	"...dump_site, which had been..."	"...dumpsite. It had been..."
57/1324	53	"	"...more than a thousand tons..."	"... more than 1,000 tons..."
57/1325	53	"	"...waste being located on the site, and for more..."	"...waste being located on the site. For more..."
57/1326	53	"	"...liquid waste being..."	"...liquid waste was being..."
57/ 1328-1329	53	"	"...the garage which took pipes and piped the liquid..."	"...the garge which piped the liquid..."
58/1346	53	"	"...for the Cities of Lowell, Lawrence and other..."	"...for the cities of Lowell, Lawrence, and other..."
58/1355	53	"	"...clean-up..."	"...cleanup..."
58/1361	54	"	"...one day..."	"...1 day..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
59/1366	54	Gregg	"...ltter..."	"...letter..."
59/1381	54	"	"...three months..."	"...3 months..."
59/1383	54	"	"...established with a State..."	"...established between a state..."
59/1386	54	"	"...government..."	"...Government..."
60/1389	54	"	"...ground-water..."	"...ground water..."
60/1393	54	"	"...ground-water..."	"...ground water..."
60/1394	54	"	"...containment..."	"... contaminant..."
60/1401	54	"	"...the treatment..."	"...treatment..."
60/1403	54	"	"...Congressional..."	"...congressional..."
60/1406	54	"	"...a hundred percent..."	"...100 percent..."
61/1412	54	"	"...1-½ feet..."	"...1½ feet..."
61/1417	55	"	"...Superfund,..."	"...Superfund..."
61/ 1420-1421	55	"	"There were no partisan attacks on the EPA's failure to come into New Hampshire."	"There were no partisan aspects to the EPA's activities in New Hampshire."
61/1423	55	"	"...Democratic Mayor."	"...Democratic mayor."
61/1423	55	"	"...Democratic Senator..."	"...Democratic State senator..."
61/1423	55	"	"...Ward Alderman..."	"...ward alderman..."
61/1423	55	"	"...Ward Representative..."	"...ward representative..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
61/1435	55	Gregg	"...four months..."	"...4 months..."
61/1436	55	"	"...different experience..."	"...different experience,..."
62/1443	55	"	"...find where this problem, where this Superfund worked..."	"...find, where this Superfund worked..."
62/1444	55	"	"...four months..."	"...4 months..."
62/1446	55	"	"...ahve..."	"...have..."
62/1447	55	"	"We sell it at a cheap rate, and he can take it back to New Jersey."	--
62/1449	55	"	"...nation's..."	"...Nation's..."
62/1450	55	"	"...health problem, although in New Hampshire it..."	"...health problem. Particularly in New Hampshire, it..."
62/1453	55	"	"...nation..."	"...Nation..."
62/1456	55	"	"...there as tourists."	"...there not just as tourists."
63/1465	55	"	"...nation .."	"...Nation..."
63/1477	56-57	"	--	/‾See next two pages.‾/
64/1478	57	Moffett	"Thank you--I will say, Mr. Ambassador."	"Thank you."
65/1506	57	Gregg	"...Attorney General's office..."	"...attorney general's office..."
65/1521	58	Gore	"...whether in this extreme case..."	"...whether, in this extreme case,..."
65/1526	58	"	"...midnight dumper sites."	"...midnight-dumper sites."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
66/1529	58	Gore	"Particularly with no..."	"Particularly, with no..."
66/1531	58	"	"...here..."	"...hire..."
66/1531	58	"	"...investigators and maybe..."	"...investigators, and, maybe..."
66/1539	58	Gregg	"...working on it, we are..."	"...working on it; we are..."
66/1548	58	--	" /_Recess._/"	"/_Recess taken._/"
66/1551	58	Moffett	"...administrator..."	"...Administrator..."
67/1555	58	"	"Yes, we swore..."	* "...Yes; we swore..."
67/ 1557-1572	59	"	--	/_See next page._/ /_Handwritten changes represent differences between the transcript and the corrected galley._/
68/1580	59	Carney	"...camera men..."	"...cameramen..."
68/1581	59	"	"...members of Congress..."	"...Members of Congress..."
68/1589	59	Gorsuch	"...agency..."	"...Agency..."
68/1590	59	"	"...administrator..."	"...Administrator..."
68/1591	59	"	"...deputy administrator..."	"...Deputy Administrator..."
68/1592	59	"	"...agency..."	"...Agency..."
68/1597	59	"	"And while..."	"And, while..."
69/1604	59	"	************* "...environmenal..."	"...environmental..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
69/1605	59	Gorsuch	"...one quote, right, unquote,..."	"...one quote right quote..."
69/1608	59	"	"...both local governments..."	"...both State and local governments..."
69/1611	59	"	"...Administration..."	"...administration..."
69/1613	59	"	"...executive order..."	********* "...Executive order..."
69/1614	59	"	"...than congressional..."	"...than by congressional..."
69/1617	59	"	"...dumped out of site and..."	"...dumped out of sight, and..."
69/1621	59	"	"...legal authority and in most cases..."	"...legal authority, and, in most cases..."
69/1623	60	"	"The strong Federal presence..."	"A strong Federal presence..."
69/1624	60	"	"...vital and Congress..."	"...vital, and Congress..."
70/1633	60	"	"...at a Federal level."	"...at the Federal level."
70/ 1635-1636	60	"	"...with toxic chemicals and with pesticides."	* "...with toxic chemicals, and with pesticides."
70/1637	60	"	"...11-½ years..."	"...11½ years..."
70/1641	60	"	"...1950s..."	"...1950's..."
70/1642	60	"	"...1980s..."	"...1980's..."
70/1650	60	"	"...agency..."	"...Agency..."
70/1652	60	"	"...and this indeed represents..."	"...and this, indeed, represents..."
71/1657	60	"	"...you set ot to do..."	"...you set to do..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
71/1659	60	Gorsuch	"In any society and those..."	"In any society, there are those..."
71/1659	60	"	"...change and indeed..."	"...change, and, indeed,..."
71/ 1660-1661	60	"	"...in government, we find that the greatest force in interia, some articles will represent change, I feel..."	"...in Government, we find that the greatest force is inertia. I feel..."
71/ 1666-1672	60	"	"The Environmental Protection Agency is a complex and complicated agency and one with more differing technical problems than any other Federal Government. Furthermore, since 1970, each Administration has seen additional responsibilities placed with the agency, we are now responsible for 10 programs ranging from the Safe Drinking Water Act to our newer responsibilities under Superfund."	--
71/1675	60	"	"...history and stands..."	"...history, and stands..."
71/1684	61	"	"...and attempted..."	"...and have attempted..."
72/1684	61	"	"...agency..."	"...Agency..."
72/1687	61	"	"In some areas..."	"In some areas,..."
72/1689	61	"	"...assistant administrator..."	"...Assistant Administrator..."
72/1692	61	"	"In others..."	"In others,..."
72/1695	61	"	"But the simple fact..."	"But, the simple fact..."
72/1695	61	"	"...Administration..."	"...administration..."
72/1697	61	"	"...course..."	"...correspondence..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
72/1698	61	Gorsuch	"...agency..."	****** "...Agency..."
72/1698	61	"	"...enforcement case tracking..."	"...enforcement-case-tracking..."
72/1701	61	"	"...PRPA..."	"...FIFRA..."
72/1702	61	"	"Just imagine..."	"Just to mention..."
73/1703	61	"	"...administrator..."	"...Administrator..."
73/1705	61	"	"...agency..."	"...Agency..."
73/1706	61	"	"...the quality, quantity and timeliness..."	"...the quality, quantity, and timeliness..."
73/1707	61	"	"...agency's..."	"...Agency's..."
73/1709	61	"	"...this Congress I have..."	"...this Congress, I have..."
73/1710	61	"	"...agency..."	"...Agency..."
73/1712	61	"	"...agency..."	"...Agency..."
73/1717	61	"	"...agency..."	"...Agency..."
73/1718	61	"	"...inherit."	"...inherited."
73/1719	61	"	"...Fed, State..."	"...Federal, State,..."
73/ 1720-1721	61	"	"...new federalism..."	**************** "...New Federalism..."
73/1724	61	"	"...agency..."	"...Agency..."
73/1726	61	"	"...scientific predicate of the foundation..."	"...scientific foundation..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
74/1729	61	Gorsuch	"...agency..."	"...Agency..."
74/1730	61	"	"...agency..."	"...Agency..."
74/1733	61	"	"...agency's..."	"...Agency's..."
74/1735	61	"	"...talents and energies..."	"...talents, and energies..."
74/1743	61	"	"...agency..."	"...Agency..."
74/1750	62	"	"...agency..."	"...Agency..."
75/1758	62	"	"...agency..."	"...Agency..."
75/1767	62	"	"...agency..."	****** "...Agency..."
75/1772	62	"	"...towards..."	"...toward..."
75/1777	62	"	"Generally our efforts..."	"Generally, our efforts..."
76/1781	62	"	"...reform goals: better science..."	****** "...reform goals: Better science..."
76/1788	62	"	"...three years..."	"...3 years..."
76/1789	62	"	"...appropriation, of tax dollars..."	"...appropriation of tax dollars..."
76/1789	62	"	"...on the petroleum..."	"...on petroleum..."
76/1798	62	"	"...the funds..."	"...the fund..."
76/ 1798-1799	62	"	"...and the taxpayers, which are being expended."	"and the taxpayers for cleanup costs."
77/1808	63	"	************ "The longer-term..."	"The longer term..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
77/1817	63	Gorsuch	"...list at 400..."	"...list of 400..."
77/1818	63	"	"...agency..."	"...Agency..."
77/1819	63	"	"...eight..."	"...$\overset{*}{8}$..."
77/ 1819-1827			"...the agency has...amended eight...cases...counts. Referred....cases. Referred two...Justice, issued...two...Section 106 orders for cleanup..."	"...the Agency has...amended $\overset{*}{8}$ cases...counts; referred...cases; referred $\overset{*}{2}$...Justice$\overset{*}{;}$ issued ...$\overset{*}{2}$...section 106 orders for...cleanup;..."
78/1832	63	"	"...abandoned sites. In RCRA..."	"...abandoned sites. In RCRA..."
78/1832	63	"	"...agency's..."	"...Agency's..."
78/1833	63	"	"...program under RCRA is now..."	"...program is now..."
78/ 1836-1837	63	"	"We have covered rules covering..."	"We have promulgated rules covering..."
78/ 1838-1839	63	"	"...generators and transporters and intermin status, and procedural status for issuing permits."	"...generators, and transporters in interim status, and procedural standards for issuing permits."
78/1840	63	"	"Permanent standards..."	"Permitting standards..."
78/ 1840-1841	63	"	"...treatment, storage and disposal..."	"...treatment, storage, and disposal..."
78/1841	63	"	"We have recently..."	"We recently..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
78/1842	63	Gorsuch	"...incinerating..."	"...incineration..."
78/1849	63	"	"...agency..."	"...Agency..."
79/1854	63	"	"...Administration..."	"...administration..."
79/1856	63	"	"...lesat..."	"...least..."
79/1858	63	"	"...agency..."	"...Agency..."
79/1861	63	"	"...agency..."	"...Agency..."
79/1862	63	"	"...Section 3007..."	"...section 3007..."
79/1864	63	"	"...storage and disposal..."	"...storage,* and disposal..."
79/1869	63	"	"...Section 3008..."	"...section 3008..."
79/1872	64	"	"...the agency..."	"...the Agency..."
79/1874	64	"	"...groundwater to ensure..."	"...ground water to insure..."
79/1875	64	"	"And again, a concerted effort..."	"And we plan a concerted effort..."
79/1877	64	"	"The Clean Water Act. The Clean Water Act."	"The Clean Water Act."
80/1879	64	"	"...to prevent, reduce and eliminate..."	"...to prevent, reduce,* and eliminate..."
80/1881	64	"	"...agency..."	"...Agency..."
80/1882	64	"	"...to ensure..."	"...to insure..."
80/1883	64	"	"...Federal staff, and..."	"...Federal staff and..."
80/1895	64	"	"...the Act."	"...the act."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
80/1897	64	Gorsuch	"...our harbors and estuaries..."	"...our harbors, and estuaries..."
80/1900	64	"	"...nation's..."	"...Nation's..."
81/1905	64	"	"Clean air. The Clean Air Act..."	"The Clean Air Act..."
81/1906	64	"	"...our nation's pollution..."	"...our Nation's air pollution..."
81/1909	64	"	"...Administration..."	"...administration..."
81/1912	64	"	"...Administration..."	"...administration..."
81/1914	64	"	"...agency..."	"...Agency..."
81/1921	64	"	"...funding over 70 percent in fiscal year 1982 through..."	"...funding of over 70 percent from fiscal year 1981 to..."
82/1928	64	"	"...Act."	"...act."
82/1930	64	"	"...the principle enunciated in terms of..."	"...the principle of..."
82/1931	65	"	"...Act..."	"...act..."
82/1933	65	"	"While at the same time searching..."	"At the same time, he made clear that we were searching..."
82/1937	65	"	"...onthese..."	"...on these..."
82/1940	65	"	"...to assist could..."	"...to assist Congress..."
82/1942	65	"	"...agency..."	"...Agency..."
82/1944	65	"	"...four months..."	"...4 months..."
82/1946	65	"	"...Administration's..."	"...administration's..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
82/1947	65	Gorsuch	"...State of the Union..."	***** "...state of the Union..."
82/1949	65	"	"...agency..."	"...Agency..."
83/1956	65	"	"...agency..."	"...Agency..."
83/1961	65	"	"...the source to support..."	"...the source of scientific expertise to support..."
83/1962	65	"	"...Administration..."	"...administration..."
83/ 1971-1972	65	"	"...project. Third, by..."	"...project, and third, by..."
83/1976	65	"	"...board,..."	***** "...Board,..."
84/1978	65	"	"...board..."	***** "...Board..."
84/1983	65	"	******** "...from 278 million..."	"...from $278..."
84/1984	65	"	"...22 percent..."	* "...22-percent..."
85/2003	66	"	"...Administration..."	"...administration..."
85/2016	66	"	"...Administration..."	"...administration..."
86/2028	66	"	"...Program Office..."	"...program office..."
86/2029	66	"	"...Enforcement Office and..."	* "...enforcement office, and..."
86/2029	66	"	"...General Counsel office."	** * "...General Counsel's[1] Office."

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[1] Typesetter lowercased this title; correction written on galley to uppercase it.

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
86/ 2033-2034	66	Gorsuch	"...to get enforcement..."	"...to get our enforcement program..."
86/2035	66	"	"...results I am convinced,..."	"...results, I am convinced,..."
86/2038	66	"	"...associate administrator for legal and enforcement counsel."	"...Associate Administrator for Legal and Enforcement Counsel."
86/2039	66	"	"...regional counsel..."	"...Regional Counsel..."
86/2040	66	"	"...regional administrators..."	"...Regional Administrators..."
86/2047	66	"	"...ensure..."	"...insure..."
86/2052	67	"	"...in this regard. The Agency has..."	"...in this regard. The Agency has..."
87/ 2058-2059	67	"	"In our Office of Administration, better management in general, we have initiated..."	"In our Office of Administration, we have initiated..."
87/2063	67	"	"...fund of one-fourth,..."	"...fund by one-fourth,..."
87/2065	67	"	"...by 300,000,..."	"...by $300,000,..."
87/2066	67	"	"...save U. S. Treasury..."	"...save the U. S. Treasury..."
87/2067	67	"	"...close to 750,000..."	"...close to $750,000..."
87/2067	67	"	"...Fiscal Year..."	"...fiscal year..."
87/2069	67	"	"...Cincinnati and..."	* "...Cincinnati, and..."
87/2070	67	"	"...a million plus..."	** * "...$1 million-plus..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
87/2072	67	Gorsuch	"...over 670,000..."	"...over $670,000..."
87/2072	67	"	"...a million plus..."	** * "...$1 million-plus..."
87/2074	67	"	"Eliminating telephones..."	"We are eliminating telephones..."
87/2075	67	"	"...long distance..."	************** "...long-distance..."
87/2077	67	"	"...average of 6."	"...average of $6,000 per month."
88/2084	67	"	"...hundred plus..."	**** "...100-plus..."
88/2087	67	"	"Data processing operations."	--
88/ 2088-2089	67	"	"...Fiscal Year..."	************ "...fiscal year..."
88/2090	67	"	*********** "...realigning..."	- "...realining..."
88/2091	67	"	"...facilities and..."	* "...facilities, and..."
88/2098	67	"	"...ensure..."	"...insure..."
88/2098	67	"	"...government..."	"...Government..."
89/2107	67	"	"...Fiscal Year..."	"...fiscal year..."
89/2111	67	"	"...nation's..."	"...Nation's..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
89/2117	68	Gorsuch	"...re-emphasize..."	"...reemphasize..."
90/ 2138-2139	68	"	"...stronger, better directed and more effective..."	* "...stronger, better directed, and more effective..."
90/2140	68	"	"...standards..."	"...stands..."
90/2143	68	--	"/_The statement of Ms. Gorsuch follows:_/ "	"/_Ms. Gorsuch's prepared statement follows:_/"
91/2151	123	Moffett	"...for that."	"...of that."
91/2154	123	"	"...the five-minutes limitation..."	"...the 5-minute limitation..."
92/2183	123	"	"...memoralized..."	"...memorialized..."
93/ 2208-2209	124	"	"...assistant administrator for air, noise and radiation..."	********* ************* **** ***** "...Assistant Administrator for Air, Noise and ********* Radiation..."
93/2214	124	"	"...law, regulation or code..."	"...law, regulation, or code..."
94/2223	124	"	"...inspector general's..."	********* ********* "Inspector General's..."
94/2228	124	"	"...Administration..."	"...administration..."
95/2245	124	"	"...pursuing."	"...pursuing it."
95/2246	124	Gorsuch	"In that case that..."	"In that case, that..."
95/ 2247-2248	124	"	"We indeed hae again made change here."	--

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
95/ 2253-2254	124	Gorsuch	"...most favored nation policy,..."	"...most-favored-nation policy,..."
95/2257	124	"	"...Administration."	"...administration."
95/2262	124	Moffett	"...five minutes."	"...5 minutes."
95/2268	125	Gorsuch	"...inspector general."	******** ******** "...Inspector General."
96/2772	125	Moffett	"I cannot take any more time given my rule."	"I cannot take any more time, given my rule."
96/2285	125	Gorsuch	"...Environmental Protection Agency, and I am told that was 1978,..."	"...Environmental Protection Agency-- and I am told that was 1978--..."
96/2286	125	"	"...which indeed allow..."	"...which, indeed, allow..."
97/2295	125	Winn	"...were you aware or your people aware that..."	"...were you aware, or your people aware, that..."
97/2302	125	Gorsuch	"...Administration."	"...administration."
97/2314	125	"	"I personally, I believe this is my 15 appearance..."	"I, personally, believe this is my 15th appearance..."
97/2315	125	"	"I know that the membership or the representatives..."	"I know that representatives..."
97/2318	125	"	"...for appearance we..."	"...for appearance, we..."
98/2323	126	"	"...lawyers..."	"...voyeurs..."
98/2328	126	Winn	"...members..."	"...Members..."
98/2332	126	"	"...two days..."	"...2 days..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
99/2352	126	Gorsuch	"Thee..."	"There..."
99/2356	126	"	"...up-to-date..."	"...up to date,..."
99/2363	126	"	"...in our reg will be the standard."	"...will be the particulate standard."
100/2388	127	Moffett	"...nation..."	"...Nation..."
100/2389	127	--	"/_The letters follow:_/"	"/_The letters refferred to follow:_/"
101/2395	135	Gore	"...since I you have taken charge."	"...since you have taken charge."
101/2397	135	"	"But what troubles..."	"But, what troubles..."
101/2400	135	"	"One example."	"One example:"
101/2404	135	"	"...for EPA and the..."	"...for EPA, and the..."
101/2410	135	Gorsuch	"...underlying function."	"...underlying question."
101/2415	135	"	"--are taking..."	"We are taking..."
102/ 2419-2420	135	Gore	"I wish if you would please..."	"I wish, if you would, please..."
102/2425	135	"	"...eight months..."	"...8 months..."
102/ 2429-2430	135	"	"But while he was still there, he testified that after analyzing the enforcement program he..."	"But, while he was still there, he testified that, after analyzing the enforcement program, he..."
102/2433	135	"	"...eight months..."	"...8 months..."
102/ 2438-2439	135	Gorsuch	"...September, 1982,..."	"... September 1982,..."
102/2439	135	"	"...this schedule in testimony before you in March and..."	"...this schedule, in testimony before you in March, and..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
103/2447	135	Gore	"...eight months ago or four months ago."	"...8 months ago or 4 months ago."
103/2450	136	"	"In the first year they..."	"In the first year, they..."
103/2451	136	"	"...rferrals..."	"...referrals..."
103/2457	136	"	"...cost recovery..."	"...cost-recovery..."
103/2459	136	"	"...no, zero new..."	"...no, zero, new..."
103/2461	136	"	"...January 1 of 1982,..."	"...January 1, 1982..."
103/2463	136	"	"And in one additional case EPA..."	"And, in one additional case, EPA..."
104/2467	136	"	"...1250 letters..."	"...1,250 letters..."
104/2480	136	Gorsuch	"...Justice are but one..."	"...Justice is but one..."
104/2483	136	Gore	"...cost recovery..."	************** "...cost-recovery..."
104/2489	136	Gorsuch	"Which was two parts. One, our..."	"Which was two parts: One, our..."
105/2491	136	"	"...is reflected in the number..."	"...is reflected only in the number..."
105/2492	136	"	"...Ageny..."	"...Agency..."
105/2496	136	Gore	"...administratilve..."	"...administrative..."
105/2500	136	Gorsuch	"It is our philosophy and it may indeed be contrary to yours..."	"It is our philosophy, and it may indeed be contrary to yours,..."
105/2502	136	"	"...wilth..."	"...with..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
105/2504	136	Gorsuch	"...part two..."	"...part 2..."
105/2507	136 - 137	"	"...of Justice. It is reflected..."	"...of Justice. Rather, it is more accurately reflected.
105/2510	137	"	"It is 80 million plus dollars..."	"It is $80 million-plus..."
106/2516	137	"	"...monies..."	"...moneys..."
106/2517	137	"	"...possilble..."	"...possible..."
106/2525	137	"	"...Fed litigation..."	"...litigation..."
106/2525	137	"	"...lots of delay and..."	"...lots of delay, and,..."
106/2527	137	"	"...up-front monies..."	"...up front moneys..."
107/2552	137	Perry	"...from March this calendar year..."	"..., from March this calendar year,..."
107/2553	137	"	"Of that 44 cases,..."	"Of those 44 cases,..."
107/2555	137	"	"...Administration..."	"...administration..."
107/2557	137	"	"Of that our records show that approximately in 1981,..."	"Of those 315 cases, our records show that approximately, in 1981,..."
107/2563	137	"	"And for a lot of..."	"And, for a lot of..."
108/2568	138	Gorsuch	"...always equitable..."	"...always equatable..."
108/2571	138	Carney	"...that now, you have..."	"...that now; you have..."
108/2575	138	"	"In your testimony you..."	"In your testimony, you..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
108/2579	138	Gorsuch	"...and it does each..."	"...and agreed that it does each..."
108/ 2581-2582	138	"	"...cases to you that you feel are eilther..."	"...cases to them that they feel are either..."
108/2583	138	"	"...in terms of your interest."	"...in terms of other factors."
109/ 2601-2602	138	Perry	"...we have referred from our regions to our headquarters over 80 cases..."	"...we have referred, from our regions to our headquarters, over 80 cases..."
109/2604	138	"	"...that one quarter..."	"...in one quarter..."
110/2618	138	Carney	"Yes, you did because..."	"Yes, you did, because..."
110/2621	138	Perry	"...75 to 80 percent ratio."	"...75- to 80-percent ratio."
110/2622	138	"	"We have developed with the Department of Justice what..."	"We have developed, with the Department of Justice, what..."
110/2626	138	"	"...Trial Litigation..."	***** *********** "...trial litigation..."
111/2641	139	Scheuer	"...that that memo of June 23rd..."	"...that in that memo of June 23..."
111/2645	139	"	"...worse..."	"...worst..."
111/2647	139	"	"...Tht..."	"...That..."
111/2660	139	Perry	"...Number two--"	***** "...No. 2--"
112/ 2679-2680	139	Gorsuch	"..., more mature programs."	"..., the more mature programs."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
113/2691	140	Gorsuch	"...our record, perhaps we should go back to that, to enforcement,..."	"...our record on enforcement,..."
113/ 2692-2693	140	"	"...in our world is all..."	"...in our world, is all..."
113/2695	140	Scheuer	"Okay."	** "OK."
113/2698	140	"	"On page 7 of your testimony you..."	"On page 7 of your testimony, you..."
113/2699	140	"	"...Administration..."	"...administration..."
113/ 2700-2701	140	"	"There was..."	"There were..."
113/2704	140	"	"...two weeks ago, on July the 8th,..."	"...2 weeks ago, on July 8,..."
113/2705	140	"	"...belatedly was given..."	"...belatedly, was given..."
113/2711	140	"	"...Number one,..."	***** "...No. 1,..."
113/2712	140	"	"...two weeks..."	"...2 weeks..."
113/2713	140	"	"...four months..."	"...4 months..."
113/2713	140	"	"... indong this."	"...in doing this."
113/2714	140	"	"...research plan it should have ben,..."	"...research plan, it should have been,..."
113/2715	140	"	"...required to be accompanied by..."	"...required to be, accompanied by..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
114/ 2718-2719	140	Scheuer	"...January of early February?"	"...January or early February?"
114/2722	140	"	"...four or five months..."	"...4 or 5 months..."
114/2725	140	"	"...al..."	"...all..."
115/2741	140	"	"...ful-time..."	"...full-time..."
115/2742	140	"	"...agency."	****** "...Agency."
115/2744	141	"	"...the name of the Lord-don't you..."	"...the name of the Lord, don't you..."
115/2753	141	"	"...Administrator --"	"...Administrator--"
115/2755	141	"	"--confirmed by the Senate."	/¯continuing ¯/-- Confirmed by the Senate."
115/2756	141	Gorsuch	********** "...an Acting full-time Assistant..."	"...an Acting, full time, Assistant..."
115/2760	141	"	*********** "...part-time..."	"...part time..."
115/2764	141	Scheuer	"...and have..."	"...to have..."
116/ 2778-2779	141	Gorsuch	"...Administrators, to my knowledge, the only one that is designated is that for solid waste and emergency response under the Super Fund legislation."	"...Administrators. To my knowledge, the only ones that are designated by law are those for solid waste and emergency response under the Super Fund legilsation and for toxic substances under the Toxic Substances Control Act."
116/2783	141	"	"...straight, it was not my industry..."	"...straight; it was not "my" industry..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
116/2788	141	Gorsuch	"...both here and before to the committee..."	"...here before the committee..."
117/2798	141	Hernandez	"...Mrs. Gorsuch."	"...Ms. Gorsuch."
117/2804	142	"	"..., we can find..."	"..., can find..."
117/2806	142	"	"...that working with them will..."	"...that, working with them, will..."
118/ 2819-2820	142	Walker	"...in your own way or the questions..."	"...in your own way, or the questions..."
118/2821	142	"	"...Chairman..."	******** "...chairman..."
118/2827	142	"	"...agency's..."	"...Agency's..."
118/2830	142	"	"...and that is if..."	"...and that is, if..."
118/2833	142	"	"...enforcement, and if..."	"...enforcement, and, if..."
119/2847	142	Gorsuch	"...federally-defined..."	"...federally defined..."
119/2848	142	"	"...to delegate that program to the implementation by State government,..."	"...to delegate the implementation of that program to the State government,..."
119/2851	142	"	"...the enforcement number of people..."	"...the number of enforcement people..."
119/2853	142	"	"...workforce of each..."	"...work force, but each..."
119/ 2854-2855	143	"	"...seen dramatic numbers of increase..."	"...seen dramatic increases..."
119/2855	143	"	"...National enforcement..."	"...enforcement..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
119/2857	143	Walker	"...I.G. ..."	****************** "...Inspector General..."
119/2859	143	"	"...I.G. ..."	****************** "...Inspector General..."
119/2861	143	Gorsuch	"The Inspector General..."	"The Inspector General..."[1]
119/2864	143	"	"...assuming..."	"...assumed..."
119/2865	143	"	"...was the legal..."	"...was their legal..."
120/2868	143	Walker	"...agency..."	"...Agency,..."
120/2876	143	"	"...agency..."	"...Agency,..."
120/2877	143	"	"...agency..."	"...Agency..."
120/2882	143	"	"...has been primarily talking..."	"...has been, primarily, talking..."
120/2890	143	"	"...ensuring the fact that as..."	"...insuring the fact that, as..."
121/2900	143	Grosuch	"...in terms of what the States are performing, and are..."	"...in terms of how the States are performing; that is, are..."
121/2914	143	Walker	"...and certainly nationally in that regard."	"...and certainly national level in that regard."
122/2921	144	Moffett	"...the chair..."	"...the Chair..."
122/2928	144	"	"...Inspector General's..."	"...Inspector General's..."[1]
122/ 2931-2932	144	Gorsuch	"...opinion which generated any activity under the worst scenarios."	"...opinion which was based on the worst scenarios."

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[1] Typesetter lowercased this title; correction written on galley to uppercase it.

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
122/ 2933-2934	144	Moffett	"They also said favoritism. Enforcement of Federal laws..."	"They also said favortism in the enforcement of Federal laws..."
122/2940	144	Shamansky	"Mrs. Gorsuch..."	"Ms. Gorsuch..."
123/2946	144	--	"Mrs. GORSUCH."	"Ms. GORSUCH."
123/2954	144	"	"For the better part of 30 years I have been..."	"For the better part of 30 years, I have been..."
123/2961	144	"	"...lawyer-to-lawyer..."	"...lawyer to lawyer..."
124/2975	144	--	"Mrs. GORSUCH."	"Ms. GORSUCH."
124/2976	144	Gorsuch	"...dictated by our internal regulations not to force..."	"...dictated by our internal regulations, not to force..."
124/2980	145	"	"...permit for a remission of..."	"...permit a remission of..."
124/2983	145	Shamansky	"Mrs. Gorsuch,..."	"Ms. Gorsuch,..."
125/2993	145	--	"Mrs. GORSUCH."	"Ms. GORSUCH."
125/2998	145	Gorsuch	"The agency..."	"The Agency..."
125/3006	145	--	"Mrs. GORSUCH."	"Ms. GORSUCH."
125/3014	145	--	"Mrs. GORSUCH."	"Ms. GORSUCH."
125/3014	145	Gorsuch	"...non-hypothetical way."	"...nonhypothetical way."
125/3015	145	"	"...recommended..."	"...recommend..."
126/3017	145	Shamansky	"I feel very reassured having..."	"I feel very reassured, having..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
126/3026	145	--	"Mrs. GORSUCH."	"Ms. GORSUCH."
126/3029	145	--	"Mrs. GORSUCH."	"Ms. GORSUCH."
126/3031	145	Gorsuch	"...books since 1978..."	"...books, since 1978,..."
126/3035	146	"	"...agency."	"...Agency."
127/3044	146	--	"Mrs. GORSUCH."	"Ms. GORSUCH."
127/3060	146	Shamansky	"...Mrs. Gorsuch."	** "...Ms. Gorsuch."
127/3062	146	Moffett	"Could you--I am not going..."	"I am not going..."
127/3063	146	"	"...the company, they contended..."	"...the company contended..."
127/3065	146	--	"Mrs. GORSUCH."	"Ms. GORSUCH."
128/3068	146	--	"Mrs. GORSUCH."	"Ms. GORSUCH."
128/3074	146	--	"Mrs. GORSUCH."	"Ms. GORSUCH."
128/3078	146	"	"Mrs. Grosuch..."	** "Ms. Gorsuch..."
128/ 3081-3089	146	Hiler	"...kind of stuff, but it seems to me that one of the things before I came to this institution, and this town, it seemed to me as a difficulty we measured success by, for instance, how many enforcement actions, how many people, how much money we were spending, and we were getting away from what the goals were, which, as I interpret many of our environmental regulations and laws, are clean air and clean water and preservation of the environment for future generations and enhancements..."	"...kind of stuff. One of the things I noticed before I came to this institution, and this town, was the difficult way we measured success; by, for instance, how many enforcement actions, how many people, and how much money we were spending. It completely disregards what the goals were: clean air, clean water, preservation of the environment for future generations, and enhancement..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
129/ 3091-3092	146	Hiler	"...the question is asked, would you spend..."	"...the question is asked: [*]Would you spend..."
129/ 3095-3096	147	"	"We never ask the question, would you spend less money if you could get cleaner air, and the people..."	"We never ask the question: [*]Would you spend less money if you could get cleaner air? But, the people..."
129/3099	147	"	"...now once again..."	"...now, once again,..."
129/3100	147	"	"...success: how many..."	"...success: How many..."
129/3104	147	"	"...the committee and people..."	"...the committee, and people..."
129/3105	147	"	"...here you have..."	"...is that here you have..."
129/ 3107-3108	147	"	"...every Member of Congress and everybody in the other body..."	"...every Member of Congress, as well as every Senator..."
129/ 3109-3110	147	"	"...just because they got a contribution today, they would not..."	"...just because they got a contribution today, would not..."
129/3112	147	"	"..., and so when..."	"..., and so, when..."
129/3114	147	"	"...a limited amount of ability."	"...a limited amount available."
130/3117	147	"	***** "Words like reform, which, when used by some people, are..."	"A word like reform, when used by some people is..."
130/3119	147	"	"...it is a very..."	"...is a very..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
130/3119	147	Hiler	"...and one of the things..."	"...and this is one of the things..."
130/3120	147	"	"...disturbed me is the conversation..."	"...disturbed me in conversations..."
130/ 3120-3121	147	"	"...Act, and I..."	"...Act. I..."
130/3124	147	"	"..., and I am sure the Chairman..."	******** "...I am sure the chairman..."
130/3126	147	"	"...bill, and somehow..."	"...bill. Somehow..."
130/3128	147	"	"...administration; and so I..."	"...administration as well. I..."
130/3135	147	"	"...protection,..."	"...protection;..."
130/3136	147	"	"...instances that the law..."	"...instances the law..."
130/3137	147	"	"...congress..."	"...Congress..."
130/3139	147	"	"...congress..."	"...Congress..."
130/3140	147	--	"Mrs. GORSUCH."	"Ms. GORSUCH."
131/3150	147	Gorsuch	"...agency..."	"...Agency..."
131/3152	147	"	"...(b), able,..."	"...(b) able,..."
131/3154	148	"	"...of every major..."	"...of almost every major..."
131/3156	148	"	"...congress..."	"...Congress..."
131/3157	148	"	"...congress..."	"...Congress..."
131/ 3162-3163	148	Hiler	"...Attorney General..."	******** ******* "...attorney general..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
131/3163	148	Hiler	"...Environment..."	************ "...environment..."
132/3176	148	"	"...no one has to..."	"...no one likes to..."
132/3178	148	"	"...the money, but they..."	"...the money. They..."
132/3181	148	"	"...congress..."	"...Congress..."
132/3183	148	--	"Mrs. GORSUCH."	"Ms. GORSUCH."
132/3185	148	Gorsuch	"...agency..."	"...Agency..."
133/3207	148	Frank	"...charterization..."	"...characterization..."
133/3209	148	"	"...Inspector general."	****************** [1] "...Inspector General."
133/3212	149	--	"Mrs. GROSUCH."	"Ms. GORSUCH."
134/3223	149	Frank	"Secondly..."	"Second..."
134/3237	149	"	"...it says:..."	"...it says,..."
135/3241	149	"	"...false/Congressman..."	"...false. Congressman..."
135/3252	149	"	"Yes,..."	"Yes;..."
135/ 3254-3255	149	Gorsuch	"The Attorney General's..."	"The Inspector General's..."
136/ 3267-3268	150	Frank	"...your inspector general said, your director..."	"...your Inspector General said, your Director.."
136/3272	150	Gorsuch	"...inspector general."	"...Inspector General."

[1] Typesetter lowercased this title; correction written on galley to uppercase it.

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
136/3281	150	-	"Ms. BORSUCH."	"Ms. GORSUCH."
136/3285	150	Frank	"...follow-up..."	"...followup..."
136/3287	150	Gorsuch	"...follow-up..."	"...followup..."
137/3299	150	Frank	"...Administrations..."	"...administrations..."
137/ 3303-3304	150	Gorsuch	"That is a totally ungrounded conclusion to base."	"That is a conclusion with no basis in fact or policy."
137/3306	150	Frank	"...changes had certainly..."	"...changes that had certainly..."
138/3319	150	"	************ "...specificaly..."	"...specifically..."
138/3223	151	Gorsuch	"...Mr Frank, and..."	"...Mr. Frank,..."
138/3335	151	"	"It as in..."	"It is in..."
139/3348	151	Moffett	"...memoes..."	"...memos..."
139/ 3352-3353	151	"	"...but not going bankrupt."	"...but not about going bankrupt."
140/ 3368-3373	--	Moffett, Schneider	"Mr. MOFFETT. The gentlewoman from Rhode Island is recognized. Mrs. SCHNEIDER. I would like to ask unanimous consent to have my opening statement included in the record. /_The statement of Mrs. Schneider follows:_/ *********COMMITTEE INSERT**********"	--

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
141/ 3374-3378	--	Moffett	"Mr. MOFFETT. Without objection. The gentlewoman from Colorado had some questions she wanted inserted on civil jurisdiction which will also be inserted at this point. /_The information follows:_/ **********COMMITTEE INSERT**********"	--
143/ 3410	152	Schneider	"...Band-Aid..."	"...band-aid..."
143/3412	152	"	"...relys..."	"...relies..."
144/3432	152	Gorsuch	"...1983,..."	"...1983;..."
144/ 3433-3435	152	"	"...we have proposed an overall sense, not-- each program differs a little bit..."	"...we have proposed overall, each program differs a little bit..."
144/3435	152	"	"...monies..."	"...moneys..."
144/3440	152	"	* "...about a 10 percent."	"...about 10 percent."
144/3447	152	--	"Mrs. GORSUCH."	"Ms. GORSUCH."
144/3450	153	Gorsuch	"...federal..."	"...Federal..."
144/3452	153	"	"...state..."	"...State..."
145/3454	153	"	"...federal..."	"...Federal..."
145/3456	153	"	"...federal government..."	"...Federal Government..."
145/3457	153	"	"...state..."	"...State..."
145/3458	153	"	"...program..."	"...programs..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
145/3459	153	Gorsuch	"...an eventual phase-out of the federal dollar presence as states..."	"...an eventual phaseout of the Federal dollar presence as States..."
145/ 3461-3462	153	"	"Settle the basic issue."	"It will be the public who will settle the basic issue."
145/3464	153	Schneider	"...phase-out..."	"...phaseout..."
145/3466	153	--	"Mrs. GORSUCH."	"Ms. GORSUCH."
145/3466	153	Gorsuch	"...state..."	"...State..."
145/3468	153	"	"...federal..."	"...Federal..."
145/3476	153	Schneider	"...states..."	"...States..."
145/3476	153	"	"...superfund..."	"...Superfund..."
146/3479	153	"	"...states..."	"...States..."
146/3483	153	"	"...superfund."	"...Superfund."
146/3486	153	--	"...Mrs. GORSUCH."	"...Ms. GORSUCH."
146/3489	153	Gorsuch	"...fecord..."	"...record..."
146/3492	153	"	"...superfund."	"...Superfund."
146/3493	153	"	"...superfund."	"...Superfund."
146/3495	153	Schneider	"...states..."	"...States..."
146/3498	153	Gorsuch	"...under the quote hazardous waste component in the budget."	"...under the "hazardous waste component" in the budget."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
147/3508	153	Schneider	"...states?"	"...States?"
147/3509	154	--	"Mrs. GORSUCH."	"Ms. GORSUCH."
147/ 3510-3511	154	Gorsuch	"...same level at 1982 for 1983."	"...same level at 1983 as for 1982."
147/3517	154	--	--	"/_ The information follows: _/"
147/3521	156	Wolpe	"...follow up..."	"...follow up..."[1]
147/3523	156	"	"...dialogue with the Gentleman..."	"...dialog with the gentleman..."
148/3531	156	--	"Mrs. GORSUCH."	"Ms. GORSUCH."
148/3534	156	--	"Mrs. GORSUCH."	"Ms. GORSUCH."
148/3537	156	--	"Mrs. GORSUCH."	"Ms. GORSUCH."
148/3539	156	Wolpe	"...Mrs. Gorsuch..."	"...Ms. Gorsuch..."
148/3540	156	"	"...federal..."	"...Federal..."
148/3547	156	--	"Mrs. GORSUCH."	"Ms. GORSUCH."
148/3551	156	--	"Mrs. GORSUCH."	"Ms. GORSUCH."
149/3554	156	Wolpe	"...Gentlewoman..."	"...gentlewoman..."
149/3556	156	"	"...states..."	"...States..."
149/3561	156	--	"Mrs. GORSUCH."	"Ms. GORSUCH."

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[1] Typesetter made this one word; correction written on galley to change it to two words.

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
149/3563	156	Wolpe	"...with the Office of Management and Budget. "My submission..."	"...with the Office of Management and Budget: "My submission..."
149/3563	156	"	"...state..."	"...State..."
149/3567	156	"	"...state..."	"...State..."
149/3571	156	--	"Mrs. GORSUCH."	"Ms. GORSUCH."
149/3574	156	Gorsuch	"...office..."	"...Office..."
149/3577	157	"	"And when they cannot..."	"And when we cannot,..."
150/3580	157	Wolpe	"...state..."	"...State..."
150/3581	157	--	"Mrs. GORSUCH."	"Ms. GORSUCH."
150/3584	157	Gorsuch	"...o..."	"...to..."
150/3585	157	"	"...programs..."	"...programs,..."
150/3589	157	--	"Mrs. GORSUCH."	"Ms. GORSUCH."
150/3590	157	Gorsuch	"...Congressional Act..."	"...congressional act..."
150/3595	157	--	"Mrs. GORSUCH."	"Ms. GORSUCH."
150/3595	157	Gorsuch	"...state..."	"...State..."
150/3600	157	--	"Mrs. GORSUCH."	"Ms. GORSUCH."
151/3604	157	Wolpe	"...state..."	"...State..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
152/3614	182	Wolpe	"...and I quote, "EPA's support of state ...programs... obligation. The CRS..."	"...and I quote: EPA's support of State... programs...obligation. The CRS..."
152/ 3620-3627	182	"	"...found...that quote, "Environmental grants...to states...period. So while..."	"...found...that: Environmental grants...to States...period. So while..."
152/3628	182	"	"...Administration, as the Gentlewoman:	"...administration, as the gentlewoman"
152/3630	182	"	"...Administration...states..."	"...administration...States..."
152/3631	182	"	"...two years..."	"...2 years..."
152/3632	182	"	"...federal..."	"...Federal..."
152/3632	182	"	"...states..."	"...States..."
152/3635	182	--	"Mrs. GORSUCH."	"Ms. GORSUCH."
153/3643	182	Gorsuch	"...the...Safe Drinking Water Act, we have proposed..."	"...the...Safe Drinking Water Acts, there we have proposed..."
153/3645	182	"	"...federal..."	"...Federal..."
153/3648	182	--	"Mrs. GORSUCH."	"Ms. GORSUCH."
153/3656	182	Moffett	"...go to Stockman and plead; for more money for these functions, so it is not, we cannot..."	"...go to Stockman and plead; for more money for these functions. So we cannot..."
153/3659	182	--	"Mrs. GORSUCH."	"Ms. GORSUCH."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
153/3660	182	Gorsuch	"I do not know anybody else's budget, ours is not, of a reduction of federal funds for state programs..."	"I do not know anybody else's budget. Ours proposes a reduction of Federal funds for State" programs..."
154/3666	182	Moffett	"At this time,..."	"At this time..."
154/3667	182	"	"...Gentleman..."	"...gentleman..."
154/3672	182	Gregg	"...Subcommittee..."	"...subcommittee..."
154/3674	182	"	"...Subcommittee on...Energy..."	"...Subcommittee on...Energy,..."
154/3682	183	Moffett	"...Gentleman..."	"...gentleman..."
154/3686	183	Wolpe	"...agency."	"...Agency."
154/3687	183	--	"Mrs. GORSUCH."	"Mr. GREGG."
155/3692	183	Gregg	"...agency..."	"...Agency..."
155/3693	183	"	"...two years?"	"...2 years?"
155/3694	183	--	"Mrs. GORSUCH."	"Ms. GORSUCH."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
155/ 3699-3706	183	Gorsuch	"...as we operate on really the frontiers of science, but more importantly we are a regulatory agency to perform certain regulatory outputs for each of our program areas, and our overall objective is to better focus the research performance of the agency with the research needs of the agency from a programmatic aspect, to get our air division of our program talking to our component of the agency..."	"...as we operate on the frontiers of science, but more importantly, we are a regulatory agency with a duty to produce certain regulatory outputs for each of our program areas. Our overall objective is to better focus the research performance of the Agency with the research needs of the Agency from a programmatic aspect, to get our air program talking to our air researchers component of the agency..."
155/3708	183	"	"...agency."	"...Agency."
156/3714	183	--	"Mrs. GORSUCH."	"Ms. GORSUCH."
156/ 3714-3718	183	Gorsuch	"The point made by Congressman Hiler earlier on, once we fall into the trap...we have indeed got outselves into a high ground situation."	"The point was well made by Congressman Hiler earlier on, that once we fall into the trap... we have indeed got ourselves into a situation of ever increasing budgets."
156/3722	183	"	"...they were justified, and let me give you..."	"...they were justified. Let me give you..."
156/3729	183	"	"...affluent..."	"...effluent..."
156/3729	183	"	"...different categories of industry--categories of industry."	"...different categories of industry."
156/ 3731-3733	183	"	"...out of the 24, two had been developed; exactly one was on the books."	"...out of the 24, 2 had been developed; exactly 1 was on the books."
157/3746	184	"	"...agency..."	"...Agency..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
157/3750	184	Gorsuch	"...we feel that that would be unwise to continue the research at the same or an increasing level in that particular level..."	"...we feel that it would be unwise to continue the research at the same or an increasing level in that particular area..."
157/ 3756-3757	184	"	"Places where we have asked for increases last spring, where it is a phenomenon of increasing concern to all of us, this administration has asked..."	"Places where we have asked for increases last spring, where it is a phenomenon of increasing concern to all of us, is in the area of acid rain research. This administration has asked..."
158/3766	184	"	"Budget_wide..."	"Budgetwide..."
158/ 3782-3783	184	Hernandez	"...regulations had just come out under RCRA and are an excellent example of..."	"...regulations that have just come out under RCRA are an excellent example of..."
158/ 3787-3789	184	"	"...capability to respond to emergencies and technical assistande to the various--to the States."	"...capability to respond to emergencies and provide technical assistance to the States."
158/3792	184	"	"...Section 208..."	"...section 208..."
159/ 3796-3797	185	"	"The two other final aspects of the strategy that are an ongoing piece is the monitoring piece..."	"Another aspect of the strategy is the monitoring phase..."
159/ 3801-3802	185	"	"Finally, our research program, I would--in our research outlet for 1982, which is a five-year plan, we identify..."	"Finally in our research, 5-year research plan, we identify..."
159/3804	185	"	"...Mrs. Gorsuch..."	"...Ms. Gorsuch..."
159/3805	185	"	"...groundwater..."	"...ground_water..."

those hazardous pollutants contained in our 1982 budget, as well as our 1983 budget proposal.

Mr. **Walgren.** Could I ask, Mr. Chairman, if we could get a breakdown of the dollars allocated to that particular effort, those 37 pollutants, if that might be put in the record at this point.

Mr. **Moffett.** Without objection, if that is doable, we would like to have that.

Ms. **Gorsuch.** I would be happy to provide it for the committee. It is a matter of public record. I think I should, however, be remiss if I did not point out that it is not necessarily the research component that we feel is inhibiting our progress in this area so much as the uncertainties in the regulations that must be imposed under the current provisions of the Clean Air Act and would welcome the Congressman's scrutiny of the Clean Air Act in that regard.

[The information follows:]

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The research contained in the hazardous air pollutants research program focuses on those 37 pollutants that have been identified as potentially the most hazardous. In support of the hazardous air pollutants regulatory program, the Office of Research and Development conducts research to determine the presence, source concentration and fate of potentially hazardous air pollutants; and assesses the human health effects and risks associated with explosure to those pollutants. In fiscal year 1982, we expect to have spent approximately $10.3 million on these research activities. In fiscal year 1983, we expect to spend $7.7 million. This reduction results from a temporary shift in emphasis within the air medium to provide added support for the development of criteria documents.

Mr. **Walgren.** Can you give us some estimate of how long it will take you to make definitive findings on those 37 pollutants under your present projected research efforts, not as to the regulations, but whether or not they are hazardous as I understand the finding asked of EPA.

Ms. **Gorsuch.** I cannot do that from memory, but we will be happy to provide the information we have to the Congressman.

[The information follows:]

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In the hazardous air pollutants program, comprehensive risk assessment documents are developed to quantitatively identify the risk associated with exposure to a particular air pollutant. These documents are used by the Office of Air, Noise and Radiation as the basis for determining whether a pollutant should be regulated, provided there is a sufficient scientific basis for making the decision. Given the current level of funding, we do not expect to complete documents for all 37 pollutants until 1987. However, discussions to accelerate the research in this area are being conducted.

Mr. **Moffett.** The Chair recognizes the gentleman from Texas, Mr. Gramm, for 5 minutes.

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
159/3806	185	Hernandez	"...groundwater..."	"...ground water..."
159/3807	185	"	"...articulate into a national plan."	"...articulate a national plan."
160/3822	185	Gorsuch	"...congressman..."	"...Congressman..."
161/3846	185	Walgren	"...Mrs. Gorsuch..."	** "...Ms. Gorsuch..."
162/3865	186	Gorsuch	"Same proportion..."	"The same proportion..."
162/ 3867-3868	186	"	"...past. That would..."	"...past. That would..."
163/3889	186	Walgren	"...listed only seven, promulgated regulations for only four of the seven, even though they would have been required to promulgate for all seven..."	"...listed only 7, promulgated regulations for only 4 of the 7, even though they would have been required to promulgate for all 7..."
163/ 3898-3902	186	Gorsuch	"...which are concern to all of us and are regulated, or at least potentially subject to regulation under the laws, are a matter of ongoing research, what we call the criteria pollutants, the nonhazardous, we have a continuing ongoing duty..."	"...which are of concern to all of us and are potentially subject to regulation under the laws, are a matter of ongoing research. What we call the criteria pollutants, the nonhazardous air pollutants,[1] we have a continuing duty from..."
163/ 3908-3909	187	"	"...research into those pollutants, hazardous pollutants..."	"...research into those hazardous pollutants..."
164/3924	187	"	"...congressman's..."	"...Congressman's..."

[1] Typesetter misspelled this word; correction written on galley.

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
164/3927	187	--	-	/‾Committee insert A--see next page.‾/
165/3936	187	--	-	/‾Committee insert B--see next page.‾/
166/3938	187	Moffett	"...five minutes..."	"...5 minutes..."
166/3942	187	Gramm	**** "Not by what you have may have said..."	"Not by what you have said..."
166/3945	187	"	"...two years..."	"...2 years..."
166/3946	187	"	"...administrator..."	"...Administrator..."
166/3954	188	"	**** "...thnk..."	"...think..."
166/3960	188	"	"...four-year..."	"...4-year..."
167/3968	188	"	"...agency..."	****** "...Agency..."
167/3974	188	"	"...Administration..."	"...administration..."
167/3976	188	"	"...agency..."	"...Agency..."
167/3983	188	"	"...weighting..."	"...weighing..."
167/3984	188	"	"...Administration..."	"...administration..."
168/3988	188	Gorsuch	"...Administration..."	"...administration..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
168/ 3990-3992	188	Gorsuch	"Clean Air Act. That has languished in the Senate for more than a year, Senate Committee. We do--bogged down..."	"Clean Air Act. That has languished in the Senate committee for more than a year, and is also bogged down..."
168/3995	188	"	"...Act..."	"...act..."
168/ 3997-3998	188	"	"We are likewise considering reauthorization and amendments to RCRA."	"We are likewise pursuing reauthorization of and considering amendments to RCRA."
168/4000	188	"	"...Act. What are we doing..."	"...Act. What are we doing..."
168/4001	188	"	"...on the broad subject matters..."	"...on broad subject matters..."
168/4003	188	"	"...working as we can with the members of Congress..."	"...working as best we can with the Members of Congress..."
168/4005	188	"	"...arena,..."	"...arena;..."
158/4006	188	"	"...members..."	"...Members..."
169/4018	189	Gramm	"...Administration..."	"...administration..."
169/4020	189	"	"...Administration..."	"...administration..."
170/4037	189	Mikulski	"...three hours."	"...3 hours."
171/4063	189	"	"...SOBs..."	"... SOB's..."
171/4067	190	"	"...Region 3..."	"...region 3..."
171/4077	190	Gorsuch	"...this deficiency in the past, I think,..."	"...this deficiency, I think,..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
171-172/ 4086-4088	190	Gorsuch	"...the State executives on the water group, their official name escapes me at the moment,..."	"...the Association of State and Interstate Water Pollution Central Administrators /_ ASIWPCA _/..."
172/ 4093-4095	190	"	"I have received, to my knowledge, a grant proposal from the State water executive administrators..."	"I have received a grant proposal from the Association of State and Interstate Water Pollution Control Administrators..."
172/4109	190	Mikulski	"...number two,..."	"...No. 2,..."
173/4118	190	"	"...Congressional District,..."	"...congressional district,..."
173/4120	190	"	"...rtahr..."	"...rather..."
173/4125	191	"	"...number two..."	"...No. 2..."
173/4127	191	"	"...number two..."	"...No. 2..."
173/4133	191	--	"We are developing..."	"Ms. LAVELLE. We are developing..."
174/ 4139-4140	191	Lavelle	"...whether it is a hazardous--a Superfund site or not,..."	"...whether it is a Superfund site or not,..."
174/ 4145-4147	191	"	"The query that you raised, the attitudinal problem as it were, you are more the problem than you are a person coming forward with a concern,..."	"The query that you raised, the attitudinal problem as it were, that an individual who complains about a problem is considered more the problem than as a person coming forward with a concern,..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
174/4148	191	Lavelle	"...as you..."	"..as we..."
174/4149	191	"	"...towards..."	"...toward..."
174/4150	191	"	"...Agency."	"...Agency."[1]
174/ 4150-4151	191	"	"I cannot guarantee you that it is taken in all of our employment levels..."	"I cannot guarantee you that it is in all government levels..."
174/4153	191	"	"...that we should respond in that regard."	"...that we should respond to the public, who are our bosses, with that in mind."
175/4164	191	"	"...commuicate..."	"...communicate..."
175/4167	191	"	"...commuication..."	"...communication..."
175/4175	191	"	"...the facts that in..."	"...the facts in..."
175/4176	192	"	"...non-emotional..."	"...nonemotional..."
175/4181	192	"	"...District..."	"...district..."
176/ 4189-4192	192	Mikulski	"I have some questions, permit processes and also on the status of the asbestos enforcement. We will submit those in writing and perhaps talk with Ms. Lavelle about them. [The information follows:]"	--
177/4213	192	Lantos	"And quite accurately..."	"And, quite accurately..."
177/4216	192	"	"...al ladult..."	"...all adult..."

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[1] Typesetter lowercased this word; correction written on galley to uppercase it.

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
178/4221	192	Lantos	"...tact."	"...tack."
178/4224	192	"	"...2-½..."	"...2½..."
178/4227	192	"	"...Agency..."	"...Agency..."[1]
178/4231	192	"	"...an..."	"...and..."
178/4240	193	"	"...tact..."	"...tack..."
179/4244	193	"	"...ten years in one year."	"...10 years in 1 year."
179/4246	193	"	"I mean I really mean..."	"I really mean..."
179/4247	193	"	"...emphases..."	"...actions..."
179/4248	193	"	"...hadn't..."	"...had not..."
180/4286	193	Gorsuch	"No."	"Mr. Congressman, no, there is not. If you would allow me..."
180/--	193	Lantos & Gorsuch	--	"Mr. LANTOS. Are there any omissions in the enforcement field you regret? Ms. GORSUCH. No."
181/ 4295-4296	194	Gorsuch	"There is a major, an other major regret."	"There is a major regret."
181/4296	194	"	"And that, very frankly,..."	"And another,[2] very frankly,..."
181/4316	194	"	"...Administration..."	"...administration..."
181/4318	194	"	"We all received comments, those that..."	"We received comments from those that..."

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[1] Typesetter lowercased this word; correction written on galley to uppercase it.
[2] Typesetter misspelled this word; correction written on galley.

Ms. WARREN. Listening to Mr. Quarles describe the mature and generally effective programs at EPA, I must beg to differ with respect to the agency's programs with respect to the Toxic Control Substances Act, which I have worked on since 1973, and which it is fair to say have not gotten off the ground.

The only one which is presently in any state of beginning implementation is the hazardous waste law, and that required a lawsuit to get the agency moving on it, and ~~it has had~~ the agency under consistent pressure ~~for~~ to do it.

The Toxic Substances Control Act does not have much to show for the effort that has gone into it since 1976.

It is not ~~the~~ complex statute that has generated reams of regulations. There are hardly any regulations that have been promulgated under that act; ~~and although~~ the statute was enacted in an effort to try to give the EPA the authority to deal with ~~chemical~~ toxic chemical problems at any point in the process through manufacturing, processing, distribution, commerce, use or disposal, so that the agency would not run up against the kind of problem that it faced, for example, in dealing with aerosol fluorocarbons; In that case, EPA concluded that ~~where~~ the Clean Air Act did not ~~govern that~~ cover the problem, because it only applies to mobile, that is, vehicles, & stationary sources of pollutions, ~~automobiles and~~ factories and power plants; ~~and~~ since aerosol cans did not fit into ~~that~~ either category, it ~~was~~ as grounds for throwing its hands into the air and not

EPA viewed the problem

~~knowing what to do~~.

It was that kind of problem, repeatedly finding dangerous substances in the environment, such as asbestos, vinyl chloride, PBBs, where the dangers were being demonstrated long after exposures had taken place, illness had been documented, and many jobs depended on them; and it was not a simple matter any more of trying to control ~~that~~ the hazard.

TSCA was aimed at having new chemicals tested.

It is not like the Food and Drug Act, but it does give EPA the authority and directs ~~them~~ the Agency to look at every new chemical before it goes on the market and see whether in the context of the use that is being described for it, it is likely to pose an unreasonable risk, and EPA then has the authority to require that further data be generated or to regulate it, keep it off the market, but the general consensus of the Congress at the time was the best time to prevent a "bad act" ~~or~~ getting ~~something~~ out to the public is before rather than after the fact of wide use.

That promise has not been realized. Under the many ~~In the measure of~~ authorities ~~under~~ of the Toxic Substances Control Act, which include~~s~~ the authority to require testing, the pre-manufacturing screening of chemicals, the regulation of chemicals where that is necessary and the gathering of information to support those other authorities, EPA has done very little.

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
182/4320	194	Gorsuch	"...,understood that zero..."	"...,that zero..."
182/4321	194	"	**************** "...non-enforcible."	"...nonenforceable."
182/4323	194	"	************* "...unenforcible..."	"...unenforceable..."
182/4340	194	Lantos	"...Administration."	"...administration."
182/4343	194	"	"...Administration..."	"...administration..."
183/4345	194	"	"...Administration..."	"...administration..."
183/4350	195	"	"...Administration..."	"...administration..."
183/4352	195	"	"...Administration..."	"...administration..."
183/4558	195	"	"...Administration..."	"...administration..."
184/4379	195	Gorsuch	"...ta EPA."	"...at EPA."
184/4379	195	"	"The 12 percent..."	"The 12-percent..."
184/4381	195	"	"...only on of three, parts of..."	"...only one of three parts of..."
184/4384	195	"	"...increase."	"...decrease."
184/4384	195	"	"...agency."	****** "...Agency."
184/4390	195	"	"...equatable..."	"...equitable..."
185/4397	195	Oxley	"...first I would like to comment as, following..."	"...I would first like to comment, following..."
185/4398	195	"	"...that is I noticed..."	"...that I noticed..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
185/4404	195	Oxley	"...effective one but one..."	"...effective one, but one..."
185/4409	196	"	"...for example, which is..."	"...for example, is..."
185/ 4416-4417	196	Gorsuch	"No, the elimination of equipment the savings from the elimination of equipment..."	"No; the savings from the elimination of equipment..."
186/4423	196	Oxley	"...$600,000."	"...$6,000."
186/4428	196	"	"...Fiscal Year..."	"...fiscal year..."
186/4433	196	Gorsuch	"...Administration..."	"...administration..."
186/4434	196	"	"I recall 22 million,..."	"I recall $22 million,..."
186/ 4435-4436	196	"	"...Dr. Reardon..."	"...Dr. Riordon..."
186/4438	196	--	"Mr.^REARDON."	"Dr. RIORDON."
186/4441	196	Riordon	"...interagency task force which..."	"...Interagency Task Force, which..."
186-187/ 4443-4445	196	"	"...are Department of Energy, Department of Agriculture, National Oceanographic and Atmospheric Association, and Department of Interior."	"...are the Department of Energy, the Department of Agriculture, the National Oceanographic and Atmospheric Association, and the Department of the Interior."
187/4446	196	"	"...right off."	"...immediately."
187/4447	196	Oxley	"...Mrs. Gorsuch."	"...Ms. Gorsuch."
187/4455	196	Gore	"...eight months ago."	"...8 months ago."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
187/4458	196	Gorsuch	"...is dirctor..."	******** "...is Director..."
187/ 4460-4461	196	Gore	"...six months ago..."	"...6 months ago..."
187/4462	196	"	"...three."	"...3."
188/4493	197	"	"...eight months ago..."	"...8 months ago..."
189/4498	197	"	"So It is false..."	"So it is false..."
190/4537	198	"	"Okay."	"OK."
190/4541	198	"	"...Assistant Commissioner..."	"...assistant commissioner..."
190/4542	198	"	"...1st."	"...1."
191/4544	198	"	"...1st,..."	"...1,..."
191/4546	198	"	"...Assistant Commissioner..."	"...assistant commissioner..."
191/4551	198	"	"...five years?"	"...5 years?"
191/4558	198	"	"...towards..."	"...toward..."
191/4567	198	Gorsuch	"...20 percent reduction."	"...20-percent reduction."
192/4570	198	"	"...answering."	"...answering--"
192/4571	198	Gore	"Okay."	"OK."
192/4572	198	Gorsuch	"...--foresee..."	"...[continuing]. Foresee..."
192/4574	198	"	********* "...long-term,..."	"...long term,..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
192/4582	198	--	"Ms. GORSUCH."	************ "Mr. MOFFETT."
192/4587	199	Gore	"..."ideal baseline"..."	"...ideal baseline..."
192/4588	199	Gorsuch	"No, those were not..."	"No; those were not..."
192/4592	199	Gore	"...Assistant Commissioner..."	"...assistant commissioner..."
193/4595	199	"	"...asking you..."	".../_ continuing_/. Asking you..."
193/4598	199	Gorsuch	"...quote. "Ms. Gorsuch: I think zero percent." I will..."	"...quote. Ms. Gorsuch. I think zero percent. I will..."
193/4599	199	Gore	"I will put the transcript, the meeting..."	********* "Mr. GORE. The meeting..."
193/4600	199	"	"...disingenous..."	"...disingenuous..."
193/ 4600-4601	199	"	"...that the States--"	"...that the States endorse your position."
193/ 4602-4605	--	Moffett	"Mr. MOFFETT. Without objection the transcript will be included in the record. /_ The transcript follows:_/ *********Committee Insert**********"	--
194/ 4617-4618	199	Gorsuch	"...10 percent reduction..."	"...10-percent reduction..."
195/ 4643-4644	199	Moffett	"...one second round question."	"...one second round of questions."
195/4645	199	"	"...five minutes..."	"...5 minutes..."
195/4647	199	Carney	"...five minutes."	"...5 minutes."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
195/4652	200	Walker	"...one month old..."	"...1 month old..."
195/4653	200	"	"...Minority..."	"...minority..."
196/4656	200	"	********* "...examnine..."	"...examine..."
196/4660	200	"	"...whee..."	"...where..."
196/4667	200	"	"...to 1983..."	"...to 1983"..."
196/4668	200	"	"...Environment, Energy and..."	"...Environment, Energy*, and..."
196/4676	200	Moffett	"...Majority or perhaps even Minority..."	"...majority or perhaps even minority..."
197/4685	200	Walker	"...Majority..."	"...majority..."
197/4688	200	"	"...Minority..."	"...minority..."
197/4701	200	"	"...Part 2..."	"...part 2..."
197/4701	200	"	"...shwoing..."	"...showing..."
198/4718	201	Gorsuch	"...inspector general."	****************** "...Inspector General."
198/ 4721-4722	201	"	"...into the record, public opinion, is I believe--should be..."	"...into the record should be..."
198/ 4728-4729	201	Moffett	"It is a very nice speech, Mr. Walker, made about the IG's report, but it..."	"It is a very nice speech about the IG's report,[1] Mr. Walker, but it..."
199/4748	201	"	"Madam, I am..."	"Madam Administrator, I am..."
199/4754	201	"	"True or False."	--

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[1] Typesetter omitted this comma; correction written on galley to insert it.

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
199/ 4754-4755	201	Moffett	"Mr. Shipper's statement, is it true or is it false? Gorsuch..."	"Mr. Shipper's statement that "Gorsuch..."
200/4757	201	"	"...the rule making. He..."	"...the rule making." He..."
200/4758	201	"	--	"Is it true or is it false?"
200/4762	201	"	"...thriftway. She stated...the regulations. Is..."	"...thriftway. "She stated...the regulations." Is..."
200/4776	202	Carney	"...six minutes..."	"...6 minutes..."
200/4779	202	"	"...five to one..."	"...5[1] to 1..."
200/4780	202	"	"...overhead..."	"...overheard..."
201/4791	202	--	"/_Recess._/"	"/_ Recess taken. _/"
201/4792	202	--	"Mrs. KENNELLY."	"Mrs. KENNELLY /_ presiding _/."
201/4800	202	--	"...LEWIS AND BOCKIUS"	"...LEWIS & BOCKIUS"
202/4819	202	Quarles	"...agency's..."	"...Agency's..."
203/4851	203	"	"...over-ambitious,..."	"...overambitious,..."
204/4862	203	"	"...government..."	"...Government..."
205/4879	204	"	"...1970s."	"...1970's."
206/4929	204	"	"...witnsed..."	"...witnessed..."

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[1] This figure was typeset as "4"; correction written on galley to change it to "5."

They have exercised their regulatory authority under TSCA precisely four times, one time about ~~three~~ 3 weeks ago; but the four times consist of ~~the~~ banning aerosol fluorocarbons ~~which were implemented~~ [illegible] by an interagency task force ~~going on~~ before TSCA was passed. ~~by EPA. It~~ EPA takes [illegible] implemented a ban and phased out the manufacturing and use of PCB's, and it prohibited the burial of dioxin-contaminated waste in Arkansas. And very recently, ~~they~~ EPA put out a regulation which requires school boards to inspect public schools for asbestos-containing materials [illegible] The agency has not issued a single rule to require testing of chemicals, and they are not very far along in gathering the kind of information to support efforts of that kind, ~~and~~ presently in the process of carving out massive exemptions from the pre-manufacturing notice requirement, ~~so~~ and it [illegible] estimated ranging from 50 to 80 percent of new chemicals would not ~~be~~ pre-screened by EPA before they were introduced in ~~Congress~~ to Commerce.

This isn't the problem I see. ~~The difficulty I had, and I~~ had a lot of ~~difficulty~~ problems with the previous administration as well, and I have the lawsuits to show you, two or three of which were ~~victorious--it is~~ successful. It's not a partisan squabble--it is a matter of wanting something tangible to be done about toxic substances in this country, and we still have not seen it. We have not seen it very effectively under FIFRA, which was ~~massively reorganized~~ intensively ~~and~~ amended in 1972, ~~and not~~ nor under TSCA. But this administration is bringing not only a different approach, but a completely different philosophy to the regulation of toxic substances.

TSCA is a regulatory statute. It says if the Administrator finds a substance ~~needs~~ that require testing, EPA shall propose a rule. It says if the Administrator finds that there is an unreasonable risk posed by exposure to some chemical, the agency shall propose a rule. ~~and~~ all enforcement, mandatory deadlines, public opportunities to be involved in the way tests are done, or in the particular aspects of a control rule, are all keyed to the issuance of rules. The notification of foreign governments that a substance is being regulated in the ~~U.S.~~ United States or that a substance is under test in the ~~U.S.~~ United States is keyed to rules. Judicial review is keyed to rules. The whole statute is keyed to rules, and EPA is proposing to make the various authorities that it has under the statute be voluntary.

For example, there is ~~They are talking about. in~~ a provision which says an interagency expert committee is ~~going~~ directed to recommend to EPA a list of chemical ~~candidates~~ candidates that are the highest priority for testing because they are widely used, have wide exposure, are structurally similar to known bad actors, ~~but they~~ and have not been adequately tested. ~~We will~~ The committee must give EPA a list of those chemicals, and the agency ~~shall~~ must decide within ~~one~~ year whether they need to be tested. If not, ~~they have~~ EPA has to propose ~~a statement why~~ testing ~~is necessary.~~ rules or publish in the Federal Register a statement why testing is not necessary.

NRDC EPA the failure to meet the Agency's deadline
~~We~~ sued ~~them~~ over ~~that. got a court order putting them on a~~
has first The Agency
schedule to address 37 of the chemicals that ~~have~~ been
The Agency
recommended as candidates for testing at that time. ~~They~~
has Instead DL
~~have~~ yet to finalize a single testing rule. They are
negotiating testing agreements with industry. Now, TSCA
anticipates that industry would be doing its own testing,
chemical
and it should do its own testing. but for the high priority
which must
~~testing~~ for ~~these~~ decisions on testing ~~should~~ be made within
determined
a year, and if it is affirmatively ~~required~~ that testing is
TSCA says that
necessary, rules shall be issued.
¶
The agency is not doing that. With respect to the screening
of all new chemicals, the statute allows for some exemptions
from premanufacture notification to EPA DL
where the agency can find that there ~~is~~ no unreasonable
will be
risk. The agency is proposing to carve out very large
exemptions under that authority, and the decision as to
whether a chemical is eligible for exemption is to be made
by a qualified expert employed by the chemical industry.
The qualified expert's assessment of why that chemical is
from e
entitled to be exempt ~~for~~ pre-manufactur~~ing~~ screening is not
provided
going to be ~~told~~ to EPA.
for exemption
The Agency only a that a chemical is eligible
~~They~~ will receive ~~the~~ signed certification. They will have
accept on faith that a new chemical
to ~~be confident~~ that the industry's assessment did not
require pre-manufacturing screening was properly made.
argue that the chemical industry
We don't deserve the kind of trust that that approach would
give
require the public to ~~put into that.~~ We have had one problem

~~after another~~ [illegible]

I think that the statute was designed for the public to know the basis for decisions, to ~~put~~ or allow a chemical on the market or to keep it off.

Now, ~~they are~~ EPA is proposing that control actions under Section 6 of TSCA, the basic regulatory authority, should also be voluntary. Thus, ~~so~~ if the agency determines that something poses an unreasonable risk, they will first discuss voluntary actions by the industry. I would like to try that, if a policeman stops me on the highway.

Mrs. Gorsuch described this morning ~~that as~~ her approach to enforcement, which is to talk it over first. If the law says you shall do this, or you shall not do that, ~~that~~ and if you violate the law, that there should be some penalty imposed on that, ~~and~~ although certainly mitigating circumstances can be brought to bear. However, a ~~but~~ once ~~the~~ regulatory program is made entirely voluntary, the public's interest in having toxic chemicals regulated and unreasonably risky chemicals taken off the market, is never going to be achieved.

TSCA does not have a State program component. Mrs. Gorsuch ~~pronounced~~ announced that every Federal environmental statute has a State program that she intends to delegate the authority to. Well, TSCA does not have a State environmental ~~program~~ component. There is not anybody to delegate TSCA to except the chemical industry. and I have been involved in the implementation of TSCA for the ~~last six~~ 6 years. What now is ~~I see~~ a delegation of ~~the~~ EPA's initial decision-making authority to the chemical industry; to me, that is the captive agency syndrome, not EPA independently representing the public interest and at arm's-length looking at chemicals and seeing whether they have been adequately tested and regulating them if it is appropriate.

The same approach is apparently in the process of being implemented for the pesticide law. FIFRA ~~It~~ is an affirmative licensing statute. It is designed to cover poisons and inherently dangerous substances, which ~~It~~ is true of pesticides. For that reason, EPA is supposed to assess every pesticide before it is allowed to go onto the market. Under TSCA, there is only a limited period for review.

In 1975, EPA, following a statutory command, established the standards for what kind of testing should be done for pesticides. The statute says the Administrator shall prescribe mandatory guidelines for the testing of pesticides ~~or for the qualifications for~~ or other requirements for the registration of pesticides. Accordingly, EPA has ~~and they have~~ specified the protocols to be followed for a whole series of toxicity tests. ~~criteria.~~ EPA is proposing to make those protocols voluntary now.

The history of pesticide regulation is one which EPA cannot be proud of. ~~in a position to be proud of.~~

Since 1972, the agency has had 10 years ~~since 1972,~~ to review ~~pass~~ existing regulations, and every time the law ~~it~~ comes up for reauthorization, Congress tries to change the law, to make it easier for EPA to do this job. still, They have not been able to do the job.

Now, after a revelation ~~in a regulation~~, that led to the indictments of officers of one of the major private testing labs in this country, a shadow has been cast on the validity of a very large portions of the ~~study~~ studies that comprise ~~of the~~ pesticide health and safety data.

The industry with respect to chemicals in general, ~~and~~ or pesticides, ~~as well,~~ has not given us the kind of record that would make me confident that they can be left to do these things voluntarily.

The agency was directed in 1978 by Congress to disclose to the public, Stet ~~to assist in the review of studies underlying pesticide registration,~~ all health and safety data.

That section of the statute has never been implemented because of litigation ~~the litigation where~~ constitutional challenges by the pesticide chemical industry ~~, the~~ to the disclosure provision. These ~~challenges have almost all been lost.~~ Stet

and EPA is supposed to be disclosing those data to the public now. ~~and~~ they still are not disclosing it, however, so between voluntary testing approaches, nondisclosure of existing studies in the files, proposed changes in their review of the hazardous pesticides that would place ~~make~~ decisions on whether a pesticide needs to be regulated ~~are conducted~~ entirely behind closed doors; we are very concerned.

We think the public has a right to know what a company advances as support for their contention that a pesticide can be used safely.

EPA is very busy trying to get the government off the back of industry, and whether the public suffers as a result and the environment suffers as a result, seems to be not even a secondary consideration; but a tertiary consideration.

I object to the way the agency is going forward, and if Congress is persuaded that the laws were wrong, they should then change the law. But in our system I don't think it is proper for EPA to take mandatory directions from Congress and simply ignore them, and that is what I see under ~~the~~ TSCA ~~Act~~ and FIFRA ~~as well.~~ right now.

Thank you.

[Ms. Warren's prepared statement follows:]

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
208/ 4934-4940	212	Kennelly	"I think we have an understanding that we will go on to Ms. Warren and then Mr. Stackhouse, and then we will have questions. Without objection, we will place your written statement and the one of the previous witness who had to leave, on the record at this time. Ms. Warren?"	"Ms. Warren?"
208/4942	272	--	"...DEFENSE COUNCIL"	"...DEFENSE COUNCIL, INC."
208/4947	272	--	"/_ The information follows:_/"	"/_ Mr. Hawkins' prepared statement follows:_/"
209/4957	337	Warren	"...to get the agency moving on it, and it has had consistent pressure for it."	"...to get the Agency moving on it, and the Agency has been under consistent pressure to do it."
209/4961	337	"	"...the complex statute..."	"...a complex statute..."
209/4963	337	"	"...under the act, and although the statute..."	"...under the act. The statute..."
209/4965	337	"	"...with chemical, toxic chemical..."	"...with toxic chemical..."
209/4966	337	"	"...manufacturing processing,..."	"...manufacturing, processing,..."
209/4967	337	"	"...agency..."	"...Agency..."
209-217/ 4969-5160	337-341	"	/_ See next nine pages._/	/_ See next nine pages. _/ /_ Handwritten changes represent differences between the transcript and the corrected galley._/
218/5164	365	Kennelly	"...for some..."	"...for your..."
218/5175	365	"	"Without objection."	"Without objection, it will be made part of the record."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
218/ 5179-5181	365	Stackhouse	"...as Director of Agriculture, having served as a District Supervisor and Chairman of the Board of Supervisors of a local Soil and Water Conservation District,..."	"...as director of agriculture, having served as a district supervisor and chairman of the board of supervisors of a local soil and water conservation district,..."
219/5195	365	"	"...the Department..."	"...the Ohio Department..."
219/5198	365	"	"...legislatin..."	"...legislation..."
219/5209	365	"	"...prohibition."	*********** "...Prohibition."
220/5221	366	"	"...a tenth of one percent..."	"...one-tenth of 1 percent..."
220/5230	366	"	"...Governments."	"...governments."
220/5235	366	"	"...Co-Chairman..."	"...Cochairman..."
220/5237	366	"	"...Task Force,..."	"...task force,..."
220/5237	366	"	"...eight years,..."	"...8 years,..."
220/5238	366	"	"...eight years..."	"...8 years..."
220/5247	366	"	"...Appendix C..."	"...appendix C..."
220/5248	366	"	"...Director..."	"...director..."
220/5252	366	"	"...the major..."	"...a major..."
220/5253	366	"	"...Ohio recently ordered..."	"...Ohio was recently ordered..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
220/5253-5254	366	Stackhouse	"...one dollar..."	"...$1..."
220/5260	366	"	"...government."	"...Government."
222/5267	366	"	"...six or eight months."	"...6 or 8 months."
223/5276	389	Kennelly	"...a 5-minute restriction..."	"...a 5-minute limit..."
223/5578	389	"	"...like to begin?"	"...like to be recognized?"
223/5283	389	Carney	* "...$3 billion worth..."	******* "...3 billion dollars worth..."
224/5317	389	Stackhouse	"...Appendix C..."	"...appendix C..."
224/5317	389	"	"...first-hand..."	"...firsthand..."
224/5324	389	Quarles	"...questions: whether..."	"...questions: Whether..."
225/5335	390	"	"...indeed..."	"...indeed,..."
226/5362	390	"	"...agency's..."	********* "...Agency's..."
226/5365	390	"	"...four years..."	"...4 years..."
227/5376	390	"	"...almot nowhere in the four years..."	"...almost nowhere in the 4 years..."
228/5401	391	"	"...10 percent..."	"...10-percent..."
228/5401	391	"	"...10 percent..."	"...10-percent..."
228/5415	391	Carney	"...Chairlady..."	"...chairlady..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
228/5420	391	Stackhouse	"...Appendix..."	"...appendix..."
229/5433	391	Walker	"...tht..."	"...that..."
229/5440	391	"	"...congress..."	"...Congress..."
229/5440	391	"	"...congress..."	"...Congress..."
229/5442	391	"	"...Minority..."	"...minority..."
229/5443	391	"	"...nation..."	"...Nation..."
229/5446	391	"	"...T.V...."	"...TV..."
229/5447	391	"	"...Minority..."	"...minority..."
229/5447	391	"	"...Majority..."	"...majority..."
229/5450	391	"	"...Minority..."	"...minority..."
230/5451	391	"	"...Majority..."	"...majority..."
230/5460	392	Walker	"...T.V...."	"...TV..."
230/5465	392	"	"...nation..."	"...Nation..."
230/5470	392	"	"...nation..."	"...Nation..."
230/5472	392	"	"...Mrs. Gorsuch..."	"...**Ms. Gorsuch..."
231/5482	392	--	"/_ The information follows: _/"	"/_ No documentation was submitted for the record. _/"

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
231/5483	392	--	"*********Committee Insert**********"	--
232/5484	392	Kennelly	--	"Mrs. KENNELLY. Mr. Walker."
232/5491	392	Quarles	"...11-½ years..."	"...11½ years..."
232/5491	392	"	"...agency..."	"...Agency..."
232/5502	392	Walker	"...agency..."	"...Agency..."
233/5510	393	"	"...agency?..."	"...Agency?..."
233/5522	393	Quarles	"...one year..."	"...1 year..."
233/5524	393	"	"...in the operation."	"...in operation."
233/5531	393	"	* "...Counsel, and..."	"...Counsel and..."
234/5540	393	"	"...entitled The First...Program , and..."	"...entitled "The First...Program,"* [1] and..."
234/5554	393	"	"...I commented on that in a-- I put a book out..."	"...I commented on that in a book I put out..."
234/5555	393	"	"...America",..."	** "...America,"..."
235/5565	394	"	"...pollutants..."	"...polluters..."
236/5588	394	Warren	"...speaking on the premanufacturing review exemptions, exemption reviews."	"...speaking on the premanufacturing exemption reviews."
236/5591	394	"	"...ever new chemical should be required to have premanufacturing notification submitted or just a lift. But since it is a bit of a catch-22 for..."	"...every new chemical should be required to have premanufacturing notification submitted or just those on a list of suspicious chemicals. Since it is a bit of a catch-22 [2] for..."

[1] Typesetter inserted comma after quotation marks; correction written on galley to transpose them.

[2] Typesetter omitted this hyphen; correction written on galley to insert it.

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
236/5606	394	Warren	"...to exempt certain chemicals in a low volume category, all chemicals which they..."	"...to exempt certain chemicals in a low volume category, and all chemicals which they..."
236/5607	394	"	"...as site limited intermediates and polymers."	"...as site limited intermediates, and polymers."
237/5609	394	"	"But the estimates wee 50 to 80 percent..."	"But the estimates are that 50 to 80 percent..."
237/5611	394	"	"For one reason..."	"For one reason,..."
237/5613	394	"	"...by a qualified expert."	"...by a qualified expert employed by the manufacturer."
237/5614	394	"	"The qualifications...are not defined, the basis for...is not given."	"The qualifications...are not defined; the basis for...is not given."
237/5617	394	"	"...seeing the product get on the market."	"...seeing the product gets on the market."
237/5619	394	--	"Mr. WARREN."	"Ms. WARREN."
237/5626	395	Hiler	"What I am not sure of is you are concerned..."	"What I am not sure of is are you concerned..."
237/5627	395	"	"...or with the fact that it is the--that the independent..."	"...or with the fact that the independent person..."
237/5630	395	"	"The Congress in a report issued with..."	"In a report issued with..."
237/5632	395	"	"...complaints that the Congress in this report had with EPA was with regard to premanufacturing exemptions...for certain chemical groups, little tangible progress has been made."	"...complaints that the Congress had with EPA was with regard to premanufacturing exemptions ...for certain chemical groups, where little tangible progress has been made."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
238/5647	395	Hiler	"...exeptions..."	"...exemptions..."
238/5650	395	--	"Mr. WARREN."	"Ms. WARREN."
238/ 5651-5652	395	Warren	"First of all, the OECD set of requirements you mention, EEC, the limit on low volume EPA is proposing..."	"First of all, regarding the OECD set of requirements you mention, or rather the EEC, the limit on low volume that EPA is proposing..."
238/5656	395	"	"...and say this chemical, for example, it is in a group..."	"...and say, for example, this chemical is in a group..."
239/5659	395	"	"Okay."	--
239/ 5659-5661	395	"	"...it is a reasonable class with certain caveats attached to it to have an exemption from all the P&M requirements."	"...it is a reasonable class, with certain caveats attached to it, to have an exemption from all the PMN requirements."
239/5661	395	"	"...low volume of dioxin is very toxic."	"...a low volume of dioxin is very toxic."
239/ 5662-5663	395	"	"So low volume in and of itself isn't a basis for exclusion."	"So low volume in and of itself shouldn't be a basis for exemption from premanufacture screening."
239/ 5663-5664	395	"	"I also want EPA to be able to know..."	"I also want EPA to know..."
239/5664	395	"	"...reason was which they are not proposing..."	"...reason was, which they are not proposing..."

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
239/ 5665-5668	395	Warren	"I would add that the meeting I attended was only after testifying in a congressional hearing that EPA was meeting exclusively behind closed doors."	"I would add that the meeting I attended was only after testifying in a congressional hearing that EPA was meeting exclusively behind closed doors with CMA to develop the exemption proposal and that other interested parties were excluded."
239/ 5672-5673	395	Hiler	"...if the chemical had been identified as a potential hazard, it can be--would not be able to get an exemption."	"...if the chemical had been identified as a potential hazard, it would not be able to get an exemption."
239/5679	396	"	"...P&M..."	"...PMN..."
240/5685	396	"	"...two days..."	"...2 days..."
240/5689	396	"	"...ot..."	"...to..."
240/5690	396	"	"...two days."	"...2 days."
240/5707	396	Quarles	"...mind-set..."	"...mindset..."
242/5735	396	Hiler	"Ms. Warren,..."	"Ms. Warren..."
242/ 5746-5750	397	"	"...or do you think that the debate is just by its very nature and the very groups involved and the built-up record that we are unfortunately doomed to have to undergo, what has been an extraordinarly partisan hearing?"	"...or do you think that because of the very nature of the debate and the groups involved and the built-up record that we are unfortunately doomed?"

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
242/ 5752-5755	397	Warren	"But in all candor, I, in trying to deal with EPA, the difference between EPA's position and the regulated industries position on virtually every issue in the area I work in, there doesn't seem to be any difference."	"But in all candor, in trying to deal with EPA, there does not seem to be any difference between the EPA's position and the regulated industries' position on virtually every issue in the area I work in."
243/5760	397	"	"...Administration..."	"...administration..."
243/ 5760-5761	397	"	"...had a lot of open meetings, heard from everybody."	"...had a lot of open meetings, and heard from everybody."
243/5765	397	"	"...Administration..."	"...administration..."
243/ 5767-5769	397	"	"I don't think that EPA has--well, they have sent out a signal in so many ways through the question on enforcement that they may not be enforcing very credibly."	"I think that EPA has sent out a signal in so many ways that they may not be enforcing very vigorously."
243/ 5769-5771	397	"	"They downgrade the enforcement in the Agency, so it is not an assistant administrator anymore."	"They have downgraded the enforcement capability of the agency, so it is not an Assistant Administrator any more."
243/ 5775-5778	397	Hiler	"...because the Administrator was very clear today that there is a person who is acting administrator, it was in the research area, excuse me, but that they just have a different approach in the enforcement area."	"...because the Administrator was very clear today that they just have a different approach in the enforcement area."
243/5779	397	"	"...X number of people..."	"...X number of people..."[1]

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[1] Correction marked on galley not clear.

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
243-244/ 5782-5784	397	Warren	"...Ms. Gorsuch doesn't have a lot of credibility in the scientific community because she speaks very authoritatively and says things that we know are not correct."	"...Ms. Gorsuch doesn't have a lot of credibility in the environmental community because although she speaks very authoritatively, yet she says things that we know are not correct."
244/5787	397	"	***** "...TOSCA..."	"...TSCA..."
244/ 5787-5788	397	"	"But she said it in a way, she speaks the truth."	"But she said it in a way that sounds as if she speaks the absolute truth."
244/5790	397	"	"...dialogue..."	"...dialog..."
244/5794	397	"	"...Task Force..."	"...task force..."
244/5794	397	"	"I mean it is very hard to have just a quiet discussion..."	"It is very difficult to have just a quiet discussion..."
245/5815	397	Stackhouse	"...because I think that, would call to the committee's attention..."	"...because I think that I should call to the committee's attention..."
245/5817	398	"	"...specifically..."	* "...specifically,..."
245/5819	398	"	"...pesticides. Section..."	* "...pesticides." Section..."
245/5822	398	"	"...all States have approved pesticide programs that were State programs that have been developed..."	"...all States have approved pesticide programs that where State programs that have been developed..."

APPENDIX E

THIRTY-PAGE STATEMENT OF LESTER O. BROWN
Before the
UNITED STATES HOUSE OF REPRESENTATIVES
Committee on Standards of Official Conduct

My name is Lester O. Brown. I am a Special Assistant on the staff of the Environment, Energy, and Natural Resources Subcommittee of the House Committee on Government Operations. I am appearing voluntarily before the Committee to tell what I know, and what I do not know, about the matters the Committee is investigating pursuant to H. Res. 254, dated June 30, 1983.

Accompanying me is Mr. James C. Moore II, my lawyer and a partner in the Washington, D.C., firm of Zuckerman, Spaeder, Moore, Taylor & Kolker. In order to comply strictly with this Committee's understanding of the procedural requirements of H. Res. 254, Mr. Moore has accepted for me a subpoena directing me to appear here today. For the record, I was and am willing to testify without having been subpoenaed.

H. Res. 254 authorized this Committee to investigate what the resolution called "improper alterations" of House documents, in particular the transcripts of joint oversight hearings regarding the Environmental Protection Agency held on July 21 and 22, 1982, before five subcommittees of the Committees on Government Operations, Energy and Commerce, and Science and Technology. In my staff capacity on one of those subcommittees, I was actively involved in the preparation for and conduct of those hearings. I also had certain responsibilities in connection with the handling and printing of the transcripts of those hearings.

By agreement with the staff of this Committee, my testimony today will constitute my answers to the written interrogatories that were propounded to me by this Committee on July 29, 1983. I understand from Chairman Stokes's July 29 letter that identical interrogatories have been served on other staff members of various committees. I also understand that interrogatories have been sent to all current Members of the House.

Before going into details, I would like the Committee to be generally aware of my background and my recent activities.

I am 31 years old and have worked full-time in various staff positions with the House of Representatives since January 1975, after I graduated from Cornell University. I believe that I have worked hard for the House. In the last seven weeks, I have coordinated six days of hearings for the subcommittee. Indeed, it has become apparent to me through the observations of friends and my professional counselors that for a long time I have been working too hard and have put my health in jeopardy.

B. As my counsel told the Committee staff, I am now seeing a psychologist and a psychiatrist who are assisting me in working out the various stresses and pressures under which I have been living for some time. I respectfully ask the Committee to take into account my strained emotional and psychological condition in reaching its conclusions. With my consent, doctors who have spoken with me have been authorized to disclose certain information about my psychological condition to the Committee staff and to the Committee. In addition to having a report from my own doctor available to it, the Committee will have the benefit of the conclusions reached by Dr. James Foy, a professor of psychiatry at Georgetown University who was retained by the Committee.

While working full-time for the House, I have also been pursuing a law degree from Georgetown University for the last four years. I took my last examination on July 30, 1983, and I expect to graduate in October 1983. Studying the law while routinely putting in work weeks of 60 hours or more has put me under considerable stress and has largely burned me out physically and emotionally.

Although I have not yet decided exactly how I will use my law degree, I will be leaving the employ of the House to pursue other activities.

B The joint hearings that are the cause of this Committee's inquiries grew out of the interest various House committees had in the management of the EPA. In recent years, that agency has been the subject of considerable congressional and media attention. Not surprisingly, therefore, the investigations and political maneuverings that preceded the hearings of July 21 and 22, 1982, were contentious, and the hearings themselves were marked by acrimony on both procedural and substantive grounds. That acrimony set part of the stage for later developments regarding transcripts.

While I was not the most senior staff person on my subcommittee, I was the most senior staff member on the EPA investigation in terms of the location and contacting of witnesses and other general preparation for the hearings. I was also the most senior subcommittee staff member in terms of exercising follow-up responsibility after the hearing in such areas as having the transcript printed. Consequently, even though there are many aspects of the way in which the transcripts were handled of which I was completely unaware or of which I have no recollection, I do accept the general responsibility for the way in which the transcript matters of most serious concern to this Committee were handled or mishandled.

6 As is set forth in more detail below, there are certain changes that have been of concern to some Members of the House which I did indeed make. There are other changes which I could well have made. There are a number of changes about which I have no recollection.

Overwork and emotional stress probably caused me (1) to be careless about checking the record for accuracy when I received it from others, or (2) to take some actions which I cannot remember, or (3) to make certain changes cavalierly or jokingly, but anything I may have done was without malice.

I also want to assure this Committee and the House that, so far as I am aware, there never was a plan or conspiracy to alter the words that appeared on the July 21 and 22, 1982, transcript pages in any unauthorized or improper way or to add material to or subtract material from the public record of the hearings. To the contrary, disorganization rather than coordinated moves characterized the treatment of the transcripts. Looking beyond the EPA hearings, I have never participated in or considered participating in any such plan or conspiracy during my years as a House employee.

I would like the Committee to be aware of the usual practices regarding the treatment of hearing transcripts at the subcommittee for which I work, prac-

B

tices that to the best of my knowledge are similar to those of other committees in the House. So far as I was aware during the time I had any responsibility over the transcripts at issue, there was not a set of written rules regarding the circumstances under which committee members or staff employees of committees could make alterations to the raw typewritten transcripts, galleys, and page proofs, that emerged from hearings. My understanding, which I believe was shared by other staff members throughout the House, was that committee members, their personal staffs, and committee staffs had considerable latitude in changing the court reporter's transcriptions during the various stages that preceded final publication of a hearing.

In my experience, such changes range from those that involve spelling, grammar, punctuation, and syntax to more substantial changes. Substantial changes include, for example, the addition to the record of material that a Member or witness should have supplied at the time of a hearing but did not or could not supply and the deletion of references in the original transcript to material to be supplied later when such material was not supplied by the time of the final printing. It has always been my understanding that all of the kinds of changes that I have just set forth were

B designed to accomplish one or both of the following purposes: to make the record clearer than it might otherwise be or to avoid embarrassing Members of the House.

Changes of the kind that I have described above are, to my knowledge, made frequently by House Members of both political parties and by their employees. Indeed, I am confident that an examination of the dozens and dozens of changes made on the transcripts now at issue will bear out the accuracy of my observation. By what I believe is the generally accepted view, most transcript changes improve the accuracy of transcripts without distorting their meaning and would be characterized as acceptable or even desirable changes by House Members. I believe that the vast bulk of the changes that were made in the transcripts now at issue would fall into that category by everyone's agreement.

There were, however, changes made in the transcripts of the July 21 and 22, 1983, hearings that have been of concern to this Committee, to certain Members of the subcommittees that held the hearings, and to certain other Members of the House, and I agree that there are some changes which go beyond what I have always understood to be proper. While I take responsi-

B bility for some of those changes and have specific knowledge about others of them, I do hope that the Committee will understand the somewhat confusing circumstances in which these transcripts wended their way from their initial version to the final printing. I also ask the Committee to recognize that many staff members of both political parties had transcripts on which changes could have been and were made and that, moreover, numerous staff members had ample opportunity to correct errors before the final printing went to press.

What follows is what I know.

So far as I can recall, the court reporter who transcribed the two days of hearings had the testimony typed in preliminary transcript form not long after the conclusion of the hearings and had that transcript sent to the subcommittee for which I worked. In the normal course of events, which so far as I know occurred in this instance, the transcript would have been sent to Ms. Becky Meadows, the staff assistant on our subcommittee. Because the hearing involved four other subcommittees, Ms. Meadows would then have distributed copies of the transcript to the appropriate staff members of the other subcommittees. It is possible that the court reporter made copies of the transcript

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
245/5829	398	Oxley	"Madam Chairman, Mr. Stackhouse, the question always comes around, particularly I guess somewhat sensitive in our State..."	"Mr. Stackhouse, the question always comes around, particularly on a somewhat sensitive ***** issue in our State..."
246/5838	398	Stackhouse	"...agreed upon..."	"...agreed-upon..."
246/5841	398	"	"...acid loving..."	"...acid-loving..."
246/5850	398	"	"...our crop yields...particularly primary crops of basically all doubled..."	"...our crop yields, particularly primary **** crops have basically all doubled..."
246/5854	398	Oxley	"...sorry I missed your presentation earlier, your comments."	"...sorry I missed your presentation earlier and your comments."
247/5869	399	"	"...that is in many cases the end of it."	"...that is, in many cases, the end of it."
247/5870	399	"	"I wonder if you would comment, the Administrator when she was here seemed..."	"I wonder if you would comment? The Administrator, when she was here, seemed..."
247/ 5874-5875	399	"	"...number one..."	"...No. 1..."
247/5875	399	"	"...number two..."	"...No. 2..."
247/5876	399	"	"...number three..."	"...No. 3..."
247/5877	399	"	"...wayl..."	"...way..."
248/5893	399	Quarles	"...Love Canal..."	"...Love Canal..." (in italics)

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
248/5895	399	Quarles	"...number game..."	******* "...numbers game..."
248/ 5901-5902	399	"	"...fought-out..."	*********** "...fought out..."[1]
248/5905	399	"	*************** "...wrist slapping..."	"...wristslapping..."
249/5928	400	"	"...government..."	"...Government..."
250/ 5953-5954	400	Stackhouse	"...I concur...with many that you have to have regulatory presence."	"...I concur...with him that you have to have a regulatory presence."
250/5955	400	"	"USEPA"	********* "U.S. EPA"
251/5961	400	--	"Mr. STACKHOUSE."	"Mrs. KENNELLY."
251/5966	400	Winn	"...Majority..."	"...majority..."
251/5974	400	"	"...Ranking..."	"...ranking..."
251/ 5974-5975	400	"	"...on Science and Technology Committee,..."	*** "...on the Science and Technology Committee,..."
251/5982	401	"	"...Majority..."	"...majority..."
252/5984	401	"	"...Minority..."	"...minority..."
252/5988	401	"	"...Minority..."	"...minority..."
252/5992	401	"	"...the future cooperative..."	"...the future be cooperative..."

---

[1] Typesetter combined these words; correction written on galley to make them two words.

Trans. Pg/Ln	Galley Pg.	Speaker Identification	What Original Transcript Says	What Corrected Galley Says
252/5993	401	Winn	"...Minority..."	"...minority..."
252/5996	401	"	"...government..."	"...Government..."
252/6004	401	Kennelly	"...Member."	****** "...member."
253/6014	401	"	"...to be a little--you said the time..."	"...to say the time..."
253/6015	401	"	"...has kind of gone by."	"...has gone by."
253/6015	401	"	"...I was out in Seymour,..."	"...I was out in Seymour, Ind.,..."
253/6022	401	Quarles	"...government..."	********** "...Government..."
254/6056	402	"	"...eight..."	"...8..."
254/6057	402	"	"...assistant administrators..."	********* ************** "...Assistant Administrators..."
255/6083	402	Carney	"...Majority..."	"...majority..."
256/6084	402	"	"...three..."	"...3..."
256/6092	402	Kennelly	"The meeting will be adjourned."	"The meeting will be adjourned,"
256/6093	402	--	"...the subcommittees were adjcurned.⁊/"	"...the subcommittees were adjourned, to ****** reconvene subject to the call of the Chairs. ⁊/"

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and sent them directly to the other four subcommittee staffs for their review. In any event, it is my understanding that staff members on all subcommittees had the transcripts in hand at approximately the same time.

Nothing that I am aware of happened regarding review and correction of the transcripts from late July until sometime in the late Fall of 1982. I cannot speak for other House employees, but I had the sense that many of them shared my lack of enthusiasm about trying to put into final form a transcript that reflected a fair amount of confusion and incompleteness and a considerable amount of acrimony. Thinking about putting the testimony and materials together merely brought up memories of the unpleasant hearings.

I also recall that sometime in the Fall of 1982 disagreements arose as to which subcommittee would bear the printing costs for the hearing transcripts. That disagreement caused a further delay.

At the time of the hearing, my understanding had been that the Committee on Science and Technology, two of whose subcommittees had participated in the hearings, would bear the printing costs. Consequently, all relevant materials were transmitted from my subcommittee staff to the Science and Technology Committee

B staff. Sometime in what I recall as approximately December 1982, I was informed that the Science and Technology Committee did not want to bear the printing costs and that the Committee on Government Operations wanted to have the transcript printed and was willing to bear the expense.

In approximately late December 1982 or early January 1983, the staff of Congressman Gore's Subcommittee on Investigations and Oversight (which is part of the Committee on Science and Technology) returned to my subcommittee a copy of the transcript. It contained numerous changes. I glanced only briefly at those changes, and I made no further changes to that transcript.

During January 1983, the staff of the Environment, Energy and Natural Resources Subcommittee for which I worked began to prepare the record for printing. I was officially responsible for that activity, but the day-to-day ministerial work was carried out by Becky Meadows, our subcommittee's Staff Assistant. Shortly before Ms. Meadows sent what she and I assumed was the corrected transcript to the printer, I had a conversation with Ms. Maryanne Bach of the minority staff on the Science and Technology Committee, who said that the staff and Members of her committee wanted to review the

B transcript again to make additional changes for the sake of completeness. Ms. Meadows then returned the transcript to the Science and Technology Committee for its review.

I have no recollection of how much time passed before the transcript was returned to the offices of our subcommittee, and I have no recollection of when the transcript was sent to the printer. I have been told that a transcript was sent to the printer in early March 1983. I do not recall having had anything to do with that submission, which would in the ordinary course have been the responsibility of Ms. Meadows.

In connection with the transmission of a transcript to the printer in early March 1983, I have been told by the staff of this Committee that some staff Members of the Science and Technology Committee believe that (a) I took from their office a transcript which contained numerous changes requested by the minority Members of the Science and Technology Committee or their staffs, (b) I later told a staff member from the Science and Technology Committee that I had taken the transcript because it was needed for submission to the printer, and (c) I misled the staff of the Science and Technology Committee because in fact a transcript that purported to be a final transcript had been sent by me

B to the printer several days before I picked up the edited transcript from the Science and Technology Committee. My recollection of the events in early March is as follows.

I do recall being in the Science and Technology Committee offices sometime in the first half of March 1983. I cannot recall why I was there, although I have been in that office from time to time on various business matters. The staff of this Committee has shown me the transcript that I allegedly took from the Science and Technology office. The cover of that transcript has a note written to me by Ms. Maryanne Bach of the Science and Technology staff explaining in a general way the changes that she had made on the transcript. While I do not specifically recall taking that transcript from the Science and Technology office, it appears that I did. It is certainly possible that I saw a transcript with a note to me written on the cover and that I, logically, took it with me back to my office so that the changes made on the transcript could be incorporated into the final record. Whenever I received that kind of information, I routinely gave it to Ms. Meadows, who handled all the mechanics of incorporating changes from various Members of Congress and staff employees into a master transcript for submission to a printer.

B I do not know what happened in the present instance that prevented the changes made by Ms. Bach and others from appearing in the final print of the hearings. I do not know precisely what transcript was sent to the printer, and I do not know when or how the transcript that contains Ms. Bach's note to me was sent back to her.

I also do not recall when the galley proofs of the July 1982 hearings came back from the printer. In the normal course of events, those proofs would be returned to the appropriate committee staff within several weeks of the submission of an edited transcript to the printer. At that stage, the committee staffs (and the Members of the House if they wished) would be able to review the galley proofs to correct any mistakes, to fill in material such as exhibits that had been inadvertently omitted, to respond to questions about the transcript that may be raised by the printer, and so forth.

I have no recollection of how long the galleys were in the hands of my subcommittee staff or of other subcommittee staffs, but in the normal course of events the galleys, with any corrections, would be sent back to the printer in fairly short order. At that stage, the printer would put the transcript into what are

B called page proofs, such proofs being the next to last step in the printing process. The printer would return page proofs to the committee staffs, which would give the staffs a final chance to review the transcript and correct any errors.

As to the July 21 and 22, 1982, hearings, I do recall briefly reviewing some of the galley pages. I do not recall reviewing the page proofs.

I would like this Committee to keep in mind the fact that there was considerable confusion among the various subcommittee staffs about how the final transcript of the hearings was to be prepared. Unlike the usual hearing in which only one committee or subcommittee is involved and for which there is therefore a centralized control system for such items as transcript changes, in this hearing there were numerous copies of the transcripts in the hands of the various subcommittees. In retrospect, I wish that I had insisted upon a more tightly controlled system with, for example, only one clearly identified master transcript on which all changes by all staffs would ultimately have been made. That was not done in this case, and for that managerial error I take full responsibility.

Let me turn now to some of the specific alterations that have been of particular concern to Members

B of the House. My references to page numbers are to the page numbers in the printed version of the hearings that was issued by the Government Printing Office after the page proofs were returned to the printer.

Changes in addition to those specific ones discussed below have been brought to my attention by the staff of this Committee. While I do not recall making those additional changes, I acknowledge that I made a number of editorial changes and that I may indeed have made the particular changes that have been brought to my attention.

Moffett Changes

Former Congressman Toby Moffett was Chairman of the Environment, Energy and Natural Resources Subcommittee at the time of the 1982 EPA hearings. I worked for Mr. Moffett. He was no longer a Member of Congress at the time the transcripts were prepared for printing in 1983. As was my normal custom, and as I believe is the normal custom with staff members who work for other congressmen, I made certain routine transcript changes in Congressman Moffett's remarks to reflect improvements in grammar, syntax, and the like. The change I made to Chairman Moffett's testimony that has prompted the most adverse comment was the addition, at page 258, 3 of a paragraph that Congressman Moffett had prepared for his opening statement on day two of the hearings but had inadvertently omitted when he made those opening remarks. The paragraph is as follows:

> I'd also like to note that the minority, contrary to its statements yesterday and today, was provided with all witness letters sent out by the committee as soon as those letters were issued. (See app. 1.) The minority has, therefore, known, in some cases for some weeks now, most of the witnesses who were scheduled to appear before this body. Moreover, where there was confusion about witnesses appearing, that confusion resulted from EPA's refusal to guarantee Administrator Gorsuch's appearance until the last moment. Finally, although by letter of July 15, 1982, we asked EPA to provide all members with documents prepared by EPA in anticipation of these hearings, the majority never received a single document.

I recall making that addition. Although I did not obtain Congressman Moffett's approval before inserting that paragraph into the record, I know that he had that paragraph in front of him when he made his opening remarks, I know that he frequently said into the microphone only part of the full text of his prepared remarks, and I know that he expected me to put the full remarks into the final printed version of the hearings. I also know that it is common practice for congressional staff members to put the full text of opening remarks into fihal hearing transcripts, even when

3 the congressmen for whom they work have not spoken every single word into the microphone.

As I understand the complaint about my action in the instant case, certain congressmen feel that because Congressman Moffett did not say these words and because they did not have these words in front of them in the original version of the Congressman's opening statement (which was distributed to the committee Members) the effect of the added paragraph was to make certain minority congressmen appear unreasonable in their treatment of the hearings. That was certainly not my intention, and I regret any impression that may have been caused along that line. I felt that I was simply doing what other staff members and I had always been told to do.

There are also certain other changes in Congressman Moffett's remarks, for which I take responsibility, that I felt were well within the authority I had and a common practice on the Hill. For example, on page 7-8 the original transcript contained the following words from Congressman Moffett:

> But we are not going to have a -- in the spirit of gagging and bookburning and various other ugly things -- we are not going to have this . . .

Page 7-8 of the final print reads as follows:

B

> But we are not going to have -- in the spirit of gagging and bookburning -- we are not going to have this . . .

I may well have deleted the phrase "and various other ugly things" in the interest of brevity and precision. That change was the kind of editorial change I routinely made on Mr. Moffett's remarks.

Gregg Changes

At page 309 of the final printing, Congressman Gregg's comments appear as follows:

> "... I look at the staff over there ... and I wonder how -- we have so many staff members on the minority side -- they did not have time to get back to us."

In the original transcript, the Congressman makes a reference to "the majority side." I believe that I can explain this change. I know that I was fatigued and overworked, and I feel that I simply lost my sense of proportion about the hearings. At some point in the process of preparing the transcript, perhaps as late as the galley stage, I saw the passage quoted above with the word "majority" changed to the word "minority." When I saw the change, I was not surprised by it (perhaps in recognition of having made the change), and, therefore, I neither questioned it nor made any effort to correct the wording. Upon reflection and given the

3 circumstances set forth above, I have concluded that, however the word change occurred, I properly accept responsibility for it.

Schneider Change

Congresswoman Claudine Schneider has complained that an opening statement she submitted for inclusion in the transcript of the second day of the hearings was not included in the final printed copy. I have no recollection of anything connected with this event. I would note that there could be any number of explanations for the omission, including an oversight on the part of the court reporter, an oversight on the part of the minority staff in failing to submit the statement, and an oversight on the part of the majority staff or staffs of the various subcommittees.

The printed hearings contain no reference to Congresswoman Schneider's having said that she would include her opening statement in the record. Rather, the entire exchange between Congresswoman Schneider and Congressman Moffett that appears in the original transcript was deleted from the final printing, where it would have appeared at page 408. Based upon the standard practice I have described earlier, I can only conclude that the opening statement did not appear

13 among the documents submitted after the hearing, someone, perhaps even I, deleted the exchange to save the Congresswoman the possible embarrassment attendant to her having failed to supply something she said she would supply.

Winn Change

In the original transcript, Congressman Winn was quoted as saying "[s]o I hope you will check the true facts." At page 259 of the final print, that sentence appeared with the word "true" deleted. I have no specific recollection of making that change myself, and I have no recollection of ever hearing about anybody making that change.

Walker Change

At page 20 of the final print, the following statement appears from Congressman Walker:

> "Many members of the other party know that I am not willing to take part in reasonable hearings ... "

I have been told that at some point in the transcript preparation process the word "not" was added between the words "am" and "willing" in the sentence set forth above, with the effect of embarrassing Congressman Walker. Since the investigation began, I have

B looked again and again at that sentence in Congressman Walker's statement, and I have read the longer statement of which it is a part. I simply have no specific recollection of having ever reviewed or altered that statement.

Hiler Changes

I have been told that at two points in the printed record the word "minority" appears in remarks made by Congressman Hiler when the Congressman in fact used the word "majority" at the time of the hearing. Although these two changes are similar in nature to the "majority/minority" change in Congressman Gregg's statement which I have discussed above, I have no specific recollection of making the change to Congressman Hiler's remarks.

Various Omitted Materials

The staff of this Committee has asked me about three cases in which Members of the House or their staffs have complained that documents submitted to my subcommittee staff for inclusion in the record were not included in the version of the hearing transcript printed by the Government Printing Office. The first of those incidents involves the request of Congressman

B Carney for the insertion of his statement. I have been told that Ms. Maryanne Bach of Congressman Carney's staff says that the statement was submitted to our subcommittee before the final printing of the transcript. I have no specific recollection of ever seeing that statement.

I also understand that Ms. Cathy Sands, the minority counsel on our subcommittee, has said that I failed to comply with her direction to insert into the record a statement supplied after the conclusion of the hearing by the Chemical Manufacturers' Association. I have no specific recollection of anything connected with the absence of such a statement from the final record. I do, however, have the following recollections about the Chemical Manufacturers' Association and more generally about the practice of inserting materials after the conclusion of a hearing.

The Chemical Manufacturers' Association was invited to participate in the hearings. My recollection is that no one from the Association attended the hearings. In such a case, the common practice is for the witness to submit a proposed statement to the chairman of the subcommittee with an accompanying written request that the statement be included in the

B record. The chairman has discretion whether to accept such a submission.

I do not recall ever seeing such a letter from the Chemical Manufacturers' Association, I do not recall ever seeing a written statement from the Association, and I do not recall ever seeing any written request from any staff member or from any congressman that such a statement be included in the record.

I understand that Congressman Walker has accused the subcommittee staff of failing to include in the record an affidavit in support of Ms. Ann Gorsuch, who headed the Environmental Protection Administration at the time of the July 1982 hearings. I have no specific recollection of having had anything to do with that affidavit, but I would make the following comments. First, I recall hearing at some point that one of Congressman Walker's staff members had handed the affidavit in question to the court reporter at the time of the hearing. That would have been a common practice. As I recall, Congressman Walker read portions of the affidavit into the record during the course of the hearing.

My Contacts With Other Staff Members

As I said at the beginning of my statement, I have

B no evidence of any plan or "conspiracy" to alter the transcripts of the July 21 and 22, 1982, hearings. Throughout the supervision of the record, I acted entirely on my own. At no point during the time between the hearings and the issuance of the GPO's final version of the hearings did I participate in any conversations that I considered, or that I believe anyone could consider, as evidence of some sort of conspiracy. I failed to exercise the proper degree of supervisory responsibility over the transcripts, and I may have made some changes to the record of the proceedings at a time when I was not in the best of psychological conditions. That, quite simply, is all that happened so far as I am aware.

The staff of this Committee has asked me to state whether I discussed the question of alterations with certain individuals. My comments on particular individuals follow. Let me say as a preliminary matter that I did not discuss transcript alterations, additions or omissions from the record, or the like with the people listed below (except for routine discussions with Ms. Becky Meadows about routine changes) at any time prior to the final printing of the hearings.

Mr. Robert Clarke Brown, who is now with the Ohio Department of Transportation, was a close friend of

13 mine who used to work on the staff of what is now called the Energy and Commerce Committee's Subcommittee on Oversight and Investigations. I have recently talked by telephone with Mr. Brown about personal matters. In the course of one of those telephone conversations, Mr. Brown told me he was aware of the newspaper allegations against me. We did not discuss anything of substance about those allegations.

In June of this year I recall having a luncheon conversation with Mr. John R. Galloway, the former staff director of the subcommittee for which I currently work. Also in attendance at the luncheon conversation in the cafeteria of the Rayburn House Office Building was Mr. David Finnegan, who I believe is Special Assistant to Representative John Dingell, Chairman of the Energy and Commerce Committee. I recall that Messrs. Galloway, Finnegan, and I discussed a newspaper story about the transcript alteration matter. Mr. Galloway told me he felt that my subcommittee staff was being unfairly singled out for accusations. I also recall that Messrs. Galloway, Finnegan and I thought that this entire matter had been blown out of proportion.

Sometime during the above luncheon conversation Mr. Gary Sellers, a House staff employee, came over to

13 our table. He told us that he was then working for Congressman James Scheuer, whose Science and Technology Subcommittee on Natural Resources, Agricultural Research and Environment had participated in the July 1982 hearings. Mr. Sellers expressed an interest in the transcript alteration matter, and he conversed with us for a brief time. I have heard that Mr. Sellers has told other people that Mr. Galloway and I essentially admitted to him at that luncheon that we had made changes in the transcript and that we had joked about the situation. I did not suggest or imply any such thing to Mr. Sellers at that luncheon, and I have never suggested or implied such a thing to anyone else. I do not recall Mr. Galloway making any such statement to me or to Mr. Sellers.

I have spoken recently with former Congressman Moffett, my former boss, about the allegations leveled against me. I called him by telephone after a story on the transcript alteration matter appeared in a June 1983 edition of The Washington Times. I told Congressman Moffett that I had added the opening paragraph referred to and explained earlier in my statement. He told me that that addition had been proper.

I do not recall having had any substantive conversation with Ms. D. Ann Murphy about transcript changes, 13 additions, or omissions, although it is possible that I had a brief conversation with her about the nature of the ongoing investigation. Ms. Murphy was on the staff of the subcommittee for which I worked during the July 1982 EPA oversight hearings.

I, quite naturally, had numerous conversations with Ms. Becky Meadows, with whom I worked closely on the subcommittee staff. Unlike the conversations referred to in this section of my statement, I had many discussions with her during the time that the transcripts were being prepared for their final printing. All of those conversations were only routine ones about such things as the mechanics of collecting changes and documents from the various subcommittees.

I want to emphasize that Ms. Meadows at all times functioned in what I would call a purely ministerial role. She did not exercise editorial judgment, and she should not be blamed for any errors that may have occurred. In retrospect, I do think it is the case that there was a certain sloppiness to the way the transcripts were handled. Even though some of that sloppiness may be laid at her feet because documents passed through or did not pass through her hands, I accept full responsibility for the lack of supervisory control.

B I have had several conversations about the transcripts with Mr. William M. Jones, General Counsel and Staff Director of the Committee on Government Operations. All those conversations have been in recent times. Before this Committee initiated its investigation, Mr. Jones was independently looking into the matter on behalf of his committee. I attended several meetings in his office along with other subcommittee staff members. While I told Mr. Jones what my general responsibilities regarding the hearings had been, I did not give him the details contained in this statement. For example, during my conversations with Mr. Jones I did not address the "majority/minority" changes in Congressman Gregg's testimony.

So far as I can recall, I have never had any discussions about the transcript changes with Mr. John E. Moore, the Staff Administrator of the Committee on Government Operations except during the staff meetings with Mr. Jones discussed in the preceding paragraph. It is possible that I have discussed the investigation in passing with him, but I do not recall it.

Similarly, I do not recall any discussions about the transcript changes with Ms. Sandra Harris, the present staff director of the subcommittee for which I work, except (a) during the staff meetings with Mr.

B Jones discussed above, (b) in connection with the execution of memoranda identified below, and (c) in connection with the transmission of documents to this Committee. I have kept Ms. Harris apprised of the fact that I was under investigation and that I would be testifying before the Committee. In addition, at her request, I prepared for Ms. Harris two memoranda on the subject of transcript alterations. Both memoranda are dated June 10, 1983. One is addressed to Ms. Harris, and one is addressed to Congressman Synar. I believe that the Committee staff has copies of both memoranda. I prepared the June 10, 1983, memoranda before I had had the benefit of the information I have reviewed in the course of preparing the present statement, which is therefore more complete than the June documents.

Other than apprising him generally of the fact that I was being investigated, I have had no substantive conversation with Congressman Michael Synar about these matters.

The statements set forth above are to the best of my ability and recollection.

I regret anything I may have done which has caused embarrassment to the House of Representatives. Working here has been an honor for me. I am proud of my work for my subcommittee, the Congress, and the public, and I believe my record speaks for itself.

B I have prepared the statements set forth above for submission to the Committee on Standards of Official Conduct as part of my testimony on August 17, 1983. I am subscribing to them on August 15, 1983, as a gesture of my cooperation with the Committee.

Lester O. Brown

Subscribed and sworn to before me
this 15th day of August, 1983.

Mary Curtis Bowman
Notary Public
District of Columbia

My Commission Expires: May 30, 84

APPENDIX F

JAN. 11
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MAR 4 } MS copy from S.C. Joint HEARINGS

97th APP. F

Subcommittee:Environment, Energy, and Natural Resources

GPO Jacket No. 17-512

Title: EPA Oversight: One-Year Review

Half galleys: 6

To GPO : Mar. 8 ~~Mar. 13,~~ 1983

Return by: 15, ~~MAR 29~~ 1983

Ms. pp. 1-542@ + 3 apps.

Galley Nos.:
Part A-1-254x
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GPO folios: 1-2000@

Galleys, Part A Returned Mar. 23, 1983

Galleys, Part B Returned Mar. 26, 1983

Manuscript copy for inserts to galleys returned April 28, 1983

1 galley proof to full Committee Staff Administrator
2 galley proofs to Subcommittee
1 galley proof to Committee Editor
1 galley proof to Science + Technology, + 1 galley proof to Com. + Energy

Page proofs : 6

Pages: C + i-vi + pp. 1-703@

To GPO : Apr. 7, 1983

Return by: Apr. 14, 1983

galley proofs from S.C. Apr. 4

Page Proofs returned April 13, 1983

Page distribution same as galley distribution above.

GO-6
Cm a
5 reqts

Press : 700

To GPO : Apr. 18, 1983

Return by: Apr 25, 1983

Pages from S.C. for press Apr. 15

Number of copies : 700

Full committee: 350

Subcommittee : 250

Room 1632 : 17

Don Watt 100

JCP Req. No.

Hearing(s) date(s): July 21 and 22, 1982

Bookcase

Prints delivered May 2, 1983

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MANUSCRIPT AND PAGINATION RECORD OF CONGRESSIONAL WORK

COMMITTEE HOUSE Govt Operations DATE MAR 8 1983 JACKET NO. 17 512

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			P2	4-7	GT-BT	6 [illegible]	4-14	NU	001-0060	4-11	001-0060
			350/ B 271	3-8	7-21	6 gals	3-15	Teds 6-1000		3-22	6-1000
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PT.	DATE	FRAMES	DATE	FRAMES	PTS.	DATE	PAGES	DATE	PAGES	DATE	PAGES	DATE	PAGES
A	3-22	1-133	4.7	1-133	Pl	3-14	C,T-III	4-7	[illegible]				
						4-11	C,T-VI						
B	3-25	1-131	4-7	1-131	P1	4-13	1-703						

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Pl.	4-11	C,T-VI	✓	
P1	4-13	1-703	✓	
	4-18	C,T-VI,1-703		✓

APPENDIX H

LIST OF DIFFERENCES BETWEEN ORIGINAL TRANSCRIPT VERSION, BACH'S PROPOSED VERSION AND PRINTED VERSION

General Notes

1. Underscoring indicates differences between original transcript version and Bach's proposed version.
2. Asterisks indicate changes made by someone other than Bach.

Opening Statement

Honorable William Carney
EPA Oversight Hearings
July 21, 1982

Like all members of the Subcommittee gathered here this morning, I feel that we have a precious national heritage, an environment which must be protected, preserved, and in some cases restored to its original state. That indeed, coupled with the protection of the health of American citizens, should be the goal of the Environmental Protection Agency, according to the statutory requirements Congress has enacted.

On that note, Mr. Chairman, Members of Congress, Ladies and Gentlemen, to gavel the subcommittees to order this morning, under the pretense of quote "oversight hearings" end quote, is a deception. Perhaps a more appropriate start would be: "Lights, Cameras, Action." Is this a sequel to Ben Hur, that cast of a thousand famous actors -- OR -- is this hearing an opportunity to provide a political forum for a Senatorial reelection campaign effort?

I regret that the most objective review of the witness list (which may I ask: where is it?), the structure of the hearings and the coordination (or perhaps, more appropriately, the lack of coordination) points to the highly partisan nature of these hearings.

As the Ranking Minority Member of the full Committee on Science and Technology, Mr. Larry Winn, has stated, our committee has a long history of bipartisan cooperation. My distinguished colleagues, both the Chairman of the full Committee, Mr. Fuqua, and Mr. Winn along with the Chairman and Ranking Minority Members of all 7 subcommittees have worked long and hard to maintain this prestigious reputation that some other committees do not share.

Chairman Scheuer and I, along with the staff of the subcommittee on Natural Resources, have always, in the past, been able to work in a constructive, cooperative, and respectable fashion. Now it appears that the interaction with other committees outside of Science and Technology has jeopardized this very foundation. I extend the benefit of the doubt to my colleagues on the Majority side, that Chairman Scheuer and the Subcommittee Staff Director, George Kopp, are as equally concerned as I am about the undermining forces at work here.

The purpose of these hearings, as I have been informed, is to review the activities and performance of EPA's Administrator's first 14 months in office. Yet, since October 1, 1981 the Environmental Protection Agency has testified before Congress on 75 different occasions. Mrs. Gorsuch herself has testifed 14 times. Is the Majority indicating that Congress has neglected its responsibility to conduct true oversight and

REVIEW DURING THE COURSE OF 75 HEARINGS? I QUESTION THE CHAIR AS TO THE NECESSITIES OF THESE HEARINGS. IS THERE SOMETHING NEW AND DIFFERENT WHICH THE MAJORITY FEELS MUST BE ADDRESSED? MR. CHAIRMAN, I HAVE READ THE FIVE AND ONLY LETTERS OF INVITATION WHICH MY STAFF HAS RECEIVED FROM THE MAJORITY, AND I FAIL TO DETECT ANY SUCH NEW DIRECTION OR SPECIFIC FOCUS.

THE MINORITY SHARES MANY CONCERNS AS TO HOW THE AGENCY IS MANAGED AND HOW OUR ENVIRONMENTAL LAWS ARE CARRIED OUT. AND WE ARE MORE THAN WILLING TO WORK ON ANY AND ALL REASONABLE, RESPECTABLE, AND PRODUCTIVE EFFORTS TO DETERMINE WHAT PROBLEMS MAY HAVE PERSISTED OR ARE PRESENT AND HOW THESE CAN BE RESOLVED. THE TOTAL EXCLUSION OF ALL MINORITY MEMBERS, HOWEVER, FROM THE PLANNING OF THESE HEARINGS IS AN OBVIOUS INDICATION THAT PRODUCTIVE, RESPECTABLE, AND REASONABLE ARE NOT PART OF THE INTENTIONS HERE TODAY.

NEVER BEFORE, IN MY 4 YEARS IN CONGRESS, HAVE I EVER HEARD OR WITNESSED COMMITTEE STAFF DENYING A MEMBER OF CONGRESS, OF THIS CHAMBER, THE RIGHT TO TESTIFY AS A WITNESS. YET, SUCH ACTION HAS TAKEN PLACE WITH THESE HEARINGS. I FIND THIS ACTION TO BE ABSOLUTELY DEPLORABLE AND BEYOND, ABSOLUTELY BEYOND, ANY LIMIT OF ACCEPTANCE.

AS OF THIS MORNING, MEMBERS HAD NOT BEEN PROVIDED WITH A FINAL PRINTED WITNESS LIST, YET ACCORDING TO SCIENCE AND

TECHNOLOGY RULES, TESTIMONY MUST BE RECEIVED 48 HOURS IN ADVANCE. I ASK THE CHAIR, ONCE MORE, TO CLARIFY: HOW CAN COMMITTEES BE ACCEPTING TESTIMONY FROM INVISIBLE WITNESSES? WHERE WAS THIS TESTIMONY 48 HOURS AGO? WHERE IS THE WITNESS LIST? WHERE WAS IT ALL THESE WEEKS? AS OF 3:30 P.M. YESTERDAY, AFTER REPEATED REQUESTS BY THE MINORITY STAFF, ONLY A VERBAL BUT NOT FINAL LIST WAS SUPPLIED. MR. CHAIRMAN, THERE ARE SOME VERY FUNDAMENTAL PROBLEMS AND QUESTIONS WHICH THESE HEARINGS SURFACE, ABOVE AND BEYOND THE ENVIRONMENTAL PROTECTION AGENCY. THERE IS A QUESTION HERE AS TO THE COMMON COURTESY AND DECENCY WITH WHICH MEMBERS OF CONGRESS ARE BEING REGARDED.

I HAVE READ IN THE ENERGY AND ENVIRONMENTAL STUDY CONFERENCE BULLETIN DATED JULY 19, 1982 THAT A CONGRESSIONAL REPORT ON THE REAGAN ADMINISTRATION'S ENVIRONMENTAL POLICIES SHALL FOLLOW THESE TWO DAYS OF HEARINGS. I ASK YOU, MR. CHAIRMAN, IS THIS THE OBJECTIVE OF THE HEARINGS OR OF PREVIOUS HEARINGS HELD BY THE COMMITTEES? WHAT COMMITTEE OR COMMITTEES ARE PUBLISHING THIS RECROD? WHAT ARE THE OBJECTIVES OF THESE HEARINGS? HOW WERE THESE OBJECTIVES DETERMINED AND BY WHOM?

I HAVE BEEN ASKED BY THE MAJORITY OF GOVERNMENT OPERATIONS TO LIMIT MY OPENING REMARKS TO THREE MINUTES. BEFORE CLOSING I WOULD LIKE TO SAY THAT I LOOK FORWARD TO EPA'S TESTIMONY TOMORROW. I THINK THEY WILL PRESENT A GOOD CASE.

FINALLY, LET ME REITERATE MY OPENING CONCERNS. I, TOO, AM CONCERNED ABOUT THE STATE OF OUR ENVIRONMENT. IT SHOULD AND MUST BE PROTECTED, BUT HOW THESE HEARINGS WILL LEAD TO SUCH PROTECTION STILL ESCAPES ME. AS I REQUESTED EARLIER, PERHAPS ONE OF THE DISTINGUISHED CHAIRMEN COULD REASSURE ME ON ALL OF THESE POINTS.

THANK YOU, MR. CHAIRMAN.

Bach's Trans. Pg./Ln.	Printed Page	Speaker	Original Transcript Version	Bach's Proposed Version	Printed Version
2/41	1	--	"...Sensenbrenner, Schneider."	"...Sensenbrenner, Schneider, Winn"	"...Sensenbrenner, Jr., and Claudine Schneider."
3/50	1	Sensenbrenner	"...inquiry on what committee..."	"...inquiry as to what committee..."	"...inquiry on what committee..."
4/73-74	2	"	"And that was verbally rather than in writing."	"That was verbally given rather than in writing."	"And that was verbally rather than in writing."
4/85	2	"	"...the Majority in providing us..."	"...the Majority, in providing us..."	"...the majority in providing us..."
5/101-105	2	Moffett	"there may be another subcommittee here that because of unusual circumstances--that is the full committee of that subcommittee had planned on meeting but then decited not to when the Communications Act was dropped--may not have complied in full manner with the notice."	"There may be another subcommittee here because of unusual circumstances--that is the full committee of that subcommittee had planned on meeting but then decided not to when the Communications Act was dropped--therefore they may not have complied in full manner with the notice."	"There may be another subcommittee here that because of unusual circumstances--that is the full committee of that subcommittee had planned on meeting but decided not to when the Communications Act was dropped--may not have complied in full manner with the notice."
6/126	3	Sensenbrenner	"...to drat..."	"...to draft..."	"...to draft..."
6/132	3	Moffett	"...also say is..."	"...also say, is..."	"...also say is..."
6/142-143	3	"	"There would be no--there would be..."	"There would be..."	"There would be..."
7/153	3	Sensenbrenner	"...objections reaised to the procedure by Minority staff at..."	"...objections raised as to the procedure, by Minority staff, at..."	"...objections raised to the procedure by minority staff at..."
7/155-156	3	"	"...witnesses on the Minority side..."	"...witnesses for the Minority side..."	"...witnesses on the Minority side..."
9/202	4	Waxman	"...there ws inadequate..."	"...there was inadequate..."	"...there was inadequate..."

Bach's Trans. Pg./Ln.	Printed Page	Speaker	Original Transcript Version	Bach's Proposed Version	Printed Version
11/252	5	Moffett	"****When they backed out..."	"Then they backed out..."	"****They backed out..."
11/257	5	"	"...the 1th..."	"...the 13th..."	"...the 13th..."
11/258	5	"	"...werenot..."	"...were not..."	"...were not..."
13/299	6	Sensenbrenner	"Now one of the things the Minority has got to protect its rights are the rules..."	"Now one of the things the Minority has to protect its rights are the rules..."	"Now one of the things the minority has to protect its rights are the rules..."
13/202	6	"	"...comlied..."	"...complied..."	"...complied..."
21/489	9	Carney	"...she indicated she is available on..."	"...she indicated she could be available on..."	"...she indicated she is available on..."
25/589	10	Winn	"Under the guise of oversight a..."	"Under the guise of oversight, a..."	"Under the guise of oversight a..."
31/748	13	Carney	"I don't think that my colleagues quite frankly particularly care to..."	"I don't think that my colleagues, quite frankly, particularly care to..."	"I don't think that my colleagues quite frankly particularly care to..."
32/--	13	--	--	"Mr Carney's Statement Follows" [See next five pages.]	--
56/1300	58	Schneider	"I think as long as we recognize..."	"I think we recognize..."	"I think as long as we recognize..."
56/1306	58	"	"...you have the assurance there are..."	"...you have the assurance that there are..."	"...you have the assurance there are..."
97/2212	88	"	"...two of which I serve on, I think it is incredibly difficult to determine the costs and benefits as we so often have a tendency..."	"...two of which I serve on, that it is incredibly difficult to determine the costs and benefits' the way in which we so often have a tendency..."	"...two of which I serve on, I think it is incredibly difficult to determine the costs and benefits as we so often have a tendency..."

Bach's Trans. Pg./Ln.	Printed Page	Speaker	Original Transcript Version	Bach's Proposed Version	Printed Version
97/2223	88	Schneider	"...those costs are not collected, they are disbursed..."	"...those costs are not collected. They are disbursed..."	"...those costs are not collected, they are disbursed..."
98/2234	88	"	"...yur..."	"...your..."	"...your..."
131/2987	132	Carney	"...what type of an effort we might take to stimulate..."	"...what type of an effort might we take to stimulate..."	"...what type of an effort we might take to stimulate..."
133/3041-3042	133	"	"...are saying to us we are the...about acid rain does not..."	"...are saying to us that we are the... about acid rain, does not..."	"...are saying to us we are the...about acid rain does not..."
133/3047	133	"	"...environment and we have been the leaders."	"...environment when, in fact, we have been the leaders."	"...environment and we have been the leaders."
133/3049	133	"	"...Act. it remains..."	"...Act. It remains..."	"...Act. It remains..."
134/3054	133	"	"...responsibility to see that they do."	"...responsibility to see that they do carry out those mandates."	"...responsibility to see that they do."
134/3058-3059	134	"	"...we are the leades with concern for the environment in the world, yet many...they don't hesitate..."	"...we are the leaders of concern for the environment in the world. Yet, many...they do not hesitate..."	"...we are the leaders with concern for the environment in the world, yet many...they don't hesitate..."
135/3086	134	"	"...is extremely high..."	"...to be extremely high..."	"...is extremely high..."
135/3093	134	"	"...California's district, anywhere."	"...California's district, or anywhere."	"...California's district, anywhere."
135/3095	134	"	"...so they wil have it..."	"...so they can have it..."	"...so they will have it..."
136/3106	134	"	"I appreciate that you are saying..."	"I appreciate what you are saying..."	"I appreciate that you are saying..."

APPENDIX I

August 23, 1983

The Honorable Louis Stokes
Chairman
Committee on Standards of
Official Conduct
House of Representatives
2360 Rayburn Building
Washington, D.C. 20515

Dear Mr. Chairman:

At your request and at the request of this Committee's staff, I am submitting this statement to sum up my private deposition testimony of August 17, 1983, before Congressman Myers of this Committee and Messrs. Swanner, Lotkin, and Powers of the Committee's staff.

The essence of my testimony about the improper or unauthorized changes to the transcripts of the July 21 and July 22, 1982, EPA oversight hearings is as follows:

1. I had extensive responsibility, officially and in fact, for the handling of the transcripts.

2. I made numerous changes on the transcripts before they went to the printer for the final time, including changes to remarks of Members of the House that, whatever their nature, were unauthorized in that no senior staff member of any committee or subcommittee and no Member of the House had explicitly authorized me to make the changes.

3. Some changes have been brought to my attention by this Committee's staff. As to those changes, I have no specific recollection of what connection I may have had with them. In saying that I do not specifically recall whether I made such unauthorized changes, I would like the Committee to understand that I am not denying that I could have made changes, and I believe that I could have made what the Committee defines as unauthorized changes that I cannot recall. I cannot, however, say that I made all the changes of interest to this Committee, and to say so would be to testify untruthfully.

In looking at this case, I ask you to take into consideration certain personal problems and strains with which I have lived for some time. Before, during, and after the time of the EPA hearings, I was under considerable psychological, emotional, and physical stress. I was working far too hard here in Capitol Hill while also pursuing my law studies at Georgetown University. I believe that any inappropriate action I may have taken can be attributed in significant part to my poor psychological state.

The staff of this Committee has been told about my condition by my counsel. In addition, in my written submission of August 15, 1983 (which was prepared in consultation with the Committee staff), I referred to my health problems. Dr. James Foy's letter of August 15, 1983, to you also discusses his conclusions about my psychological condition. In addition, Dr. Sally Ann Greer, the psychologist I have been consulting, wrote to you yesterday about her treatment of me. In short, I am facing some psychological problems that have required and apparently will require continued professional counseling. With this letter, I am giving to you the original of Dr. Greer's letter of yesterday. I also have for you copies of my August 15th statement and Dr. Foy's August 15th letter if you have not already seen them.

In addition to my psychological problems, in recent days I have been experiencing significant physical problems that my doctors say are the product of certain psychotropic medication I have been taking in connection with my counseling. In sum, I am not well, and testifying is therefore difficult for me.

I believe that I have tried hard -- in recent days through a series of lengthy meetings and telephone conferences between my lawyer and the Committee's staff -- to cooperate with your investigation. I truly wish that I had a more complete recollection of all the transcript matters that are of interest to the Committee, but I do not.

I appreciate your interest in and understanding of this matter.

Sincerely,

Lester O. Brown

/kgc

Enclosure

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COMMITTEE ON
STANDARDS OF OFFICIAL CONDUCT

APPENDIX J

GEORGETOWN UNIVERSITY HOSPITAL
3800 RESERVOIR ROAD, N.W.
WASHINGTON, D.C. 20007

DEPARTMENT OF PSYCHIATRY

CONFIDENTIAL

August 15, 1983

The Honorable Louis Stokes, Chairman
Committee on Standards of Official Conduct
The House of Representatives
2360 Rayburn House Office Building
Washington, D.C. 20515

Re: Lester O. Brown

Dear Mr. Chairman:

On the afternoon of August 10, 1983 I conducted a psychiatric interview and examination of Mr. Brown in my office at Georgetown University Medical Center, over a period of two hours and twenty minutes. This psychiatric evaluation was to assess Mr. Brown's capacity to testify before your Committee, including his emotional and mental competency as a prospective witness.

Mr. Brown is a thirty-one year old married man who has been employed by the U.S. House of Representatives for eight years, three years as Special Assistant to the Committee on Government Operations with assignment to a Subcommittee concentrating on environmental and energy affairs. He is also currently finishing Georgetown University Law School, having been a night student over the past several years. During my examination he was very cooperative. He is an intense, well-dressed man with some pressure to his speech, appearing anxious and irritable at first, but quickly settling down in a responsive and thoughtful manner to my inquiries and instructions.

Mr. Brown states he has been increasingly tense, overactive, insomniac and drinking more at night over the past ten months, going back to November of 1982. Since that time he has experienced strain in his marriage with new difficulties communicating with his wife, who is, incidentally, an attorney with a federal agency. There are no children. Symptoms of anxiety, violent dreams, staring spells with "spacing out," fitful sleep with long hours at law school or work and avoidance of marital interaction worsened to the point where he was referred by his physician to a clinical psychologist, Dr. Sally Ann Greer for counseling, psychotherapy and non-medical stress management. This was in May of 1983. Mr. Brown has a past history of mental disorder, and was treated in childhood and adolescence for "nervous breakdowns." He has a history of peptic ulcer disease since 1974.

Dr. Greer has continued to treat Mr. Brown in weekly scheduled office visits. From a physician, he has been prescribed Valium for his anxiety symptoms. Recently he consulted, at Dr. Greer's request, a psychiatrist who added Thorazine, a major tranquilizer, to the prescription drug regimen. This was to alleviate severe insomnia. His psychiatrist is Arthur Behrmann, M.D. It should be noted that Thorazine is also an anti-psychotic drug. Since being interrogated by counsel of the House Committee on Standards of Official Conduct and since expecting to be served a subpoena to appear before a hearing of the committee, his anxiety has increased and, I might add, so has his fear and suspicions. He says: "They are out to destroy my career."

In brief Mr. Brown's past history of mental disorder relates to two serious episodes of abnormal behavior. First, at age nine he exhibited hallucinations and school problems associated with fear and shyness. Psychological tests were performed and he was treated with counseling for three years. He is uncertain whether neuroleptic (anti-psychotic) drugs were prescribed. Second, as a 21 year old senior college student at Cornell University he suffered a psychotic reaction with hallucinations, depression, suicidal ideas, depersonalization and derealization. He was treated in the infirmary for one week, followed by drug treatment with Thorazine and psychotherapy sessions with a psychiatrist. Still he managed to graduate cum laude and without having to interrupt his studies. Mr. Brown also received psychotherapy as an out-patient between November 1978 and April 1979. No medication was prescribed. Anxiety symptoms prevailed. He has never been hospitalized in a psychiatric facility. He has never received electroshock therapy, or medication for depression or mania. There is no documented history of mental disorder in his family, although both parents have reportedly behaved in an eccentric and, at times, an explosive manner. He is alienated from his mother. His parents live in retirement in Arizona. His only sibling, a sister, six years older, has been in psychotherapy for ten years. He does not know her diagnosis.

My mental status examination revealed an alert, loquacious and intelligent individual whose affect was well modulated and always appropriate. His mood was anxious and intense. There was no thought blocking or loose associations. There were two examples of word reversal. Stream of thought was logical, coherent and on target. Concentration, when tested directly, was slow. Orientation, recall, memory and cognitive mental functions were all intact. Content of thought was suspicious, referential to some degree, slightly grandiose and in general showed paranoid tendencies. Reality testing was, however, very adequate in the interview. No systematized delusions were disclosed. It should be noted that episodes of depersonalization and paranoid tendencies in his thinking go back to 1973. He was not hallucinated during the examination.

My psychiatric diagnosis is:

(1) Generalized Anxiety Disorder;
(2) Schizotypal Personality Disorder. The latter means a person with some of the quirks and suspicions of a schizophrenic patient, but one who is not overtly psychotic or out of touch with reality.

In conclusion, Mr. Brown is currently under treatment by both a psychiatrist and a psychologist. He takes tranquilizers, which have been prescribed for him. He is not currently hospitalized, nor is this warranted. He has sought the advice of an attorney. His current mental distress is no impediment to his testifying under oath. He is mentally competent in that he understands the proceedings and is capable of acting under the advice of an attorney. Quite appropriately, there is anxiety about testifying. This in itself is not abnormal. While under extreme stress in the past he has responded to treatment and managed to adapt successfully, for example, earning his college degree with honors. He has exhibited no psychotic behavior for ten years and during this time has successfully maintained a high pressure position in government, authored a book, and completed law school. In my opinion he is able to testify.

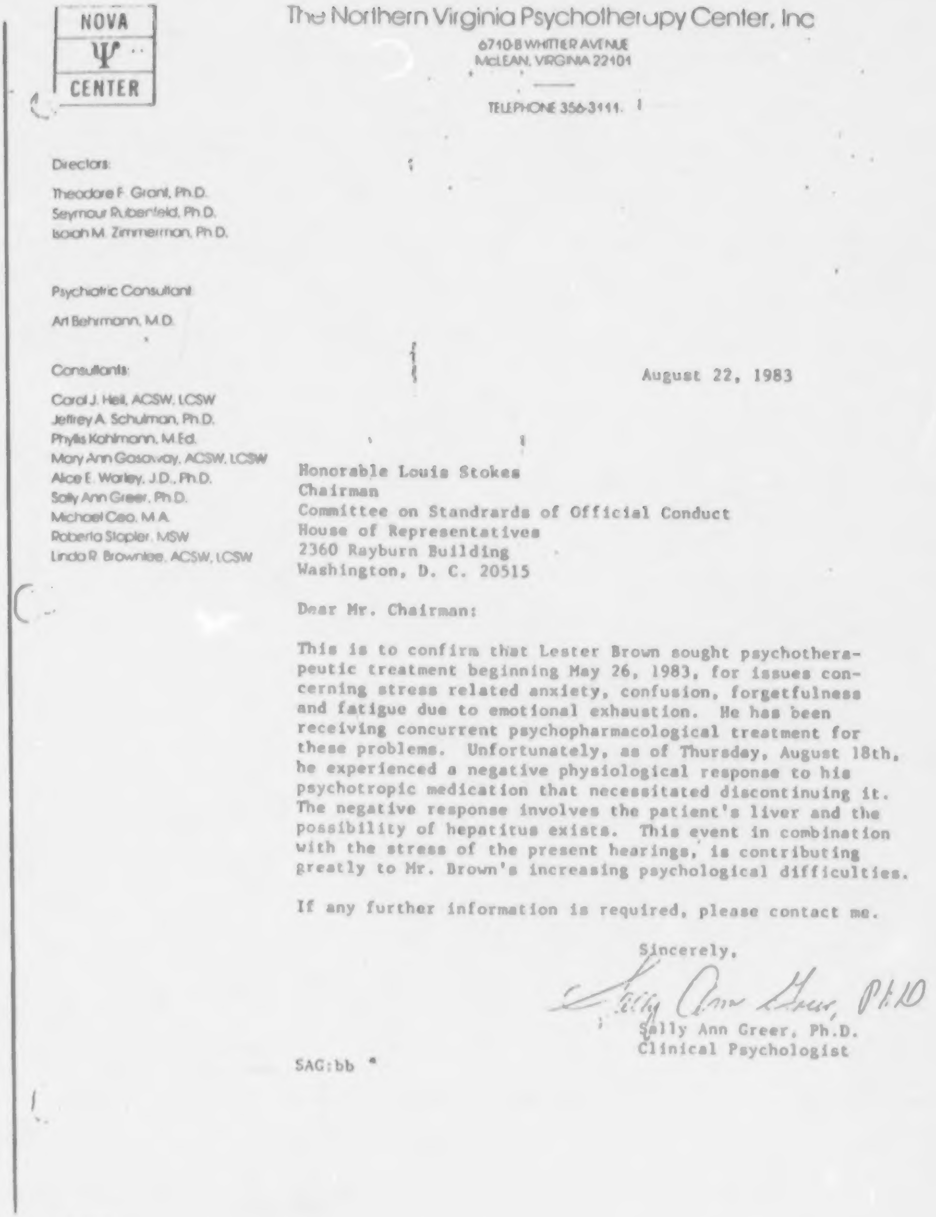
Sincerely yours,

James L Foy

James L. Foy, M.D.
Professor of Psychiatry

JLF/pk

APPENDIX K



NOVA
Ψ
CENTER

The Northern Virginia Psychotherapy Center, Inc
6710-B WHITTIER AVENUE
McLEAN, VIRGINIA 22101

TELEPHONE 356-3111

Directors:

Theodore F. Grant, Ph.D.
Seymour Rubenfeld, Ph.D.
Isaiah M. Zimmerman, Ph.D.

Psychiatric Consultant:

Art Behrmann, M.D.

Consultants:

Carol J. Hell, ACSW, LCSW
Jeffrey A. Schulman, Ph.D.
Phyllis Kohlmann, M.Ed.
Mary Ann Gosovay, ACSW, LCSW
Alice E. Worley, J.D., Ph.D.
Sally Ann Greer, Ph.D.
Michael Ceo, M.A.
Roberta Stapler, MSW
Linda R. Brownlee, ACSW, LCSW

August 22, 1983

Honorable Louis Stokes
Chairman
Committee on Standrards of Official Conduct
House of Representatives
2360 Rayburn Building
Washington, D. C. 20515

Dear Mr. Chairman:

This is to confirm that Lester Brown sought psychotherapeutic treatment beginning May 26, 1983, for issues concerning stress related anxiety, confusion, forgetfulness and fatigue due to emotional exhaustion. He has been receiving concurrent psychopharmacological treatment for these problems. Unfortunately, as of Thursday, August 18th, he experienced a negative physiological response to his psychotropic medication that necessitated discontinuing it. The negative response involves the patient's liver and the possibility of hepatitus exists. This event in combination with the stress of the present hearings, is contributing greatly to Mr. Brown's increasing psychological difficulties.

If any further information is required, please contact me.

Sincerely,

Sally Ann Greer, Ph.D

Sally Ann Greer, Ph.D.
Clinical Psychologist

SAG:bb

Bach's Trans. Pg./Ln.	Printed Page	Speaker	Original Transcript Version	Bach's Proposed Version	Printed Version
161/3721	144	Carney	"...a district services..."	"...a district serviced..."	"...a district served..."
162/3729-3731	144	"	"...the people that rely on those sole-source aquifers for their potable water, will be assured we will have a better understanding of those aquifers..."	"...the people that rely on those sole-source aquifers for their potable water, will be assured a better understanding of those aquifers..."	"...the people that rely on those sole-source aquifers for their potable water, will be assured we will have a better understanding of those aquifers..."
162/3733-3734	144	"	"I had an Oklahoma, Brook Haven National Laboratories is doing that study."	"Through EPA's Ada, Oklahoma Lab, I had an Oklahoma, Brook-Haven National Laboratories has been contracted to do that study."	"I had an Oklahoma, Brook Haven National Laboratories doing that study."
177/4086	15	"	"...and Caesar Trunsote..."	"...and Caesar Trunzo..."	"...and Caesar Trunzo..."
177/4089-4090	156	"	"But I was curious to know why did the New York State budget zero out all money for ground water research?"	"But I was curious to know why the New York State budget zeroed out all money for groundwater research?"	"But I was curious to know why did the New York State budget zero out all money for ground water research?"
178/4117	156	"	"I just, as you have..."	"As you have..."	"I just, as you have..."
178/4120	156	"	"I had to point that out, that New York State did do that."	"I had to point that out, that New York State cut groundwater budgets out."	"I had to point that out, that New York State did do that."
180/4147-4149	157	"	"I would hope the Commissioner would not think you are a second team player and filling that gap."	"I would hope the Commissioner would not think that his is a second team player and filling that gap."	"I would hope the Commissioner would not think you are a second team player and filling that gap."
206/4740-4741	185	"	"Is this taken from my testimony, Mr. Chairman?"	"Is this being taken from my time, Mr. Chairman?"	"Is this taken from my testimony, Mr. Chairman?"
207/4755	185	"	"...we ran into that problem."	"...we can run into that problem."	"...we ran into that problem."

Bach's Trans. Pg./Ln.	Printed Page	Speaker	Original Transcript Version	Bach's Proposed Version	Printed Version
207/4764-4765	185	Carney	"...the full committee of science and technology."	"...the full Committee of Science and Technology."	"...the full Committee of Science and Technology."
208/4774	185	"	"You are on my time now."	"You are on my time now, Mr. Hiler."	"You are on my time now."
208/4789-4790	185	"	"If I may have my time back, I would like to say, I would like to ask questions of the witnesses."	"If I may have my time back, I would like to ask questions of the witnesses."	"If I may have my time back, I would like to say, I would like to ask questions of the witnesses."
208/4791	185	"	"...would lke to..."	"...would like to..."	"...would like to..."
209/4792-4793	185	"	"Do you feel as individuals that we..."	"Do you feel as individuals, that we..."	"Do you feel as individuals that we..."
211/4849	186	"	"The point that I was trying to make; there comes a point..."	"The point that I was trying to make is that there comes a point..."	"The point that I was trying to make; there comes a point..."
211/4853	186	"	"That will take..."	"It will take..."	"That will take..."
211/4859	186	"	"...in the way of results whatever they are, and..."	"...in the way of results, whatever they are, and..."	"...in the way of results whatever they are, and..."
211/4865-4866	187	"	"What the conclusions are here and the Congress can make the social policy and it would be on the part of EPA..."	"When the conclusions are here and the Congress can make the social policy, it would be wrong on the part of EPA..."	"What the conclusions are here and the Congress can make the social policy and it would be on the part of EPA..."
212/4875-4876	187	"	"...an area that in my opinion and I think I can say in the..."	"...an area that, in my opinion and I think I can say also in the..."	"...an area that in my opinion and I think I can say in the..."

Bach's Trans. Pg./Ln.	Printed Page	Speaker	Original Transcript Version	Bach's Proposed Version	Printed Version
212/4880-4883	187	Carney	"I think she assumed a large headache and there has been a lot of mistakes, a lot is clearned and reorganization is necessary and hopefully she will--Mrs. Gorsuch--my mother used to ask me, who is she, the cat's mother?"	"I think Mrs. Gorsuch assumed a large headache and there has been a lot of mistakes, a lot has been cleared and reorganization is necessary. Hopefully she will, that is--she being Mrs. Gorsuch--(My mother used to ask me, who is she, the cat's Mother?)"	"I think she assumed a large headache and there has been a lot of mistakes, a lot is learned and reorganization is necessary and hopefully she will--Mrs. Gorsuch--my mother used to ask me, who is she, the cat's mother?"
212/4884-4885	187	"	"But anyhow I should think this Mrs. Gorsuch should be...to move forward."	"But anyhow I think that Mrs. Gorsuch should be...to move forward with."	"But anyhow I think this Mrs. Gorsuch should be...to move forward."
212/4886	187	"	"...I realize that."	"...I realize."	"...I realize that."
212/4888	187	"	"I yield the..."	"I yield back the..."	"I yield the..."
246/5637-5638	240	"	"...while they testified."	"...when this panel testified."	"...while they testified."
261/5988-5990	250	Schneider	"...to make sure you don't forget me down here since this was..."	"...to make sure you don't forget me down here. Since this was..."	"...to make sure you don't forget me down here since this was..."
261/6000-6001	250	"	"...the R&D Committee..."	"...the R&D subcommittee..."	"...the R&D Committee..."
261/6003	250	"	"...long ago the..."	"...long ago, the..."	"...long ago the..."
262/6022	250	"	"...tsts..."	"...tests..."	"...tests..."
264/6071	251	"	"...variables in questions..."	"...variables in question..."	"...variables in questions..."

Bach's Trans. Pg./Ln.	Printed Page	Speaker	Original Transcript Version	Bach's Proposed Version	Printed Version
264/6078-6082	251	Schneider	"...to the United States, their determination...road that they drive on in Japan, but that they would..."	"...to the United States. Their determination...road from where they drive on in Japan, and that they would..."	"...to the United States, their determination...road that they drive on in Japan, but that they would..."
266/6123-6124	252	"	"...that you as a businessman would..."	"...that you, as a businessman, would..."	"...that you as a businessman would..."

APPENDIX L

or demonstration assistance.'' Was that an accurate answer?

Mr. NOBLE. That is correct.

Mrs. HOLLEMAN. Even though your statement today said that you are now demonstrating a capability to produce--

Mr. NOBLE. I think we are talking about two different things, totally Mrs. Holleman. We are talking about the fact that I think we do need to demonstrate our capability to produce these products at a commercially viable price, something ~~which~~ that will demonstrate to the world that we can do it. In that one instance we can show them that, if they push the American people too far or raise the prices too high, we can convert much more massively than we are doing at this moment.

I think that that, in itself, will be a real red flag to all of the exporting countries ~~indicating~~ that they should not push us too far.

On the other hand, we do believe that diversity within the technology, as Mr. Axelrod said, ~~and~~ within the resource base will give us a better long-range potential for production; We are still looking ~~so~~ for production.

I also think that the way we are going which, for those who are very seriously interested in environmental questions, ~~as~~ which frankly I am--by that building a few plants--We know that the ~~environmental~~ scientific people ~~feel that~~ these environmental technologies are very sound and very good, but it will surely be a lot more responsible to be able to value of choosing diversity over production and concluded, basically, that at best you could get 350,000 barrels a day into production with the money you had, and at worst you would get only 150,000. Is that correct? That is on page 21..

Mr. Noble. What time frame was that?

Mrs Holleman ~~Mr. NOBLE~~. That is with the authorization which you have in the first phase.

Mr. AXELROD. What page are you on?

Mrs. HOLLEMAN. It is 21.1.

Mr. AXELROD. I think that you ought to put this whole thing within context instead of picking pieces out of ~~it~~ here and recognize the document for what it is. What the document was was a briefing of the board by the staff to acquaint them with the problems within the synthetic fuel industry, which are comparable with and perhaps more difficult than the petroleum refining and the petrochemical industry as a whole. As such, there was stress placed on the risk elements. It was done purposely to make sure that they were understood.

It does not necessary reflect the specifi~~e~~cs of any particular projects, and the economics of any particular project are very largely site specific, feedstock specific, technology specific, product specific, and management specific. We know that very well.

Mrs. HOLLEMAN. The staff did say that--

Mr. AXELROD. The numbers to which you are referring here

APPENDIX N

Mr. NOBLE. The first stage is, but if they go ahead with the second or third module of their own--I am not saying that they will, but I would hope that they will. That would be a great demonstration of the private sector's ability to not have to have ~~do without~~ government subsidy. All the time

Mr. MOFFETT. I want to stop and give my members a chance for more questions.

Mr. Atkinson, do you have any additional questions?

Mr. ATKINSON. I do not.

Mr. MOFFETT. Mr. Hiler?

Mr. HILER. I only have one more direction to go ~~take~~. It probably can be answered in one question.

It seems to me that the problem we face right now is that we are heavily dependent upon fossil-based fuels in the form of petroleum, ~~that is,~~ in the particular form of liquid. It seems that what we are doing is that through our whole exercise in the synfuels project ~~is~~ continuing to move in a direction which is oriented toward fossil-based fuels in a liquid form. In fact, it is getting us into a situation wherein, to try and do that, we are going to put out phenomenal sums of money.

The Exxon-Tosco project might possibly have cost $6 billion. We are getting into phenomenal sums of money. Everyone acknowledges that the sums will be very high in the future. The cost of a barrel of petroleum out of a fossil

APPENDIX O

Mrs. HOLLEMAN. This report is to estimate for budget purposes the on-budget effect of the corporation. CBO found that, if the corporation guarantied an average price support in 1982 dollars of $45 a barrel for 200,000 barrels per day of production, every dollar pledged as a price support would be expended, all but $500 million of it by 1997.

Therefore, if half of your authority or about $7 billion were committed for price supports of $45 per barrel, all of that $7 billion would go on budget and become an actual outlay.

You told Representative Conte that there would be little or no expenditure from the corporation. That means that you do not expect to guaranty supports of more than $45 a barrel. Does it not?

Mr. NOBLE. I do not put any dollar value on these things, although every contract which we sign, if we sign one, will have a~~n~~ top ~~upper~~ limit on it in the contract. It is not an open-ended contract.

However, to discuss what we would negotiate, I think, would be a real mistake, ~~that is~~, to publicly discuss what we are going to negotiate in ~~terms of~~ prices. All I can tell you is that we are going to do our very best to be prudent and responsible in what we are doing. If I cannot do that, then I will not be here.

~~Mr. FRANK (ACTING CHAIRMAN).~~ Excuse me, gentlemen. Mr. John Galloway (Staff Director)

Moffett just called from the floor and said that neither he nor the other members will be able to make it back.

Therefore, the hearing is adjourned. We thank you for your time.

[Whereupon, at 1:20 p.m., the subcommittee was adjourned.]

APPENDIX P

United States Synthetic Fuels Corporation
2121 K Street, N.W. Washington, District of Columbia 20586 Telephone: (202) 822-6600

August 24, 1983

Mr. Ralph Lotkin
Chief Counsel for Investigation of
  Altered Documents
Committee on Standards of Official Conduct
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Lotkin:

Out of approximately 19 differences between the verbatim transcript and the final printed version most are inconsequential. However, there are some significant differences. For example, by not including "'very seriously' interested in environmental ouestions" and "'environmental' technologies are very sound" in the fourth paragraph on p. 137, the tone of Mr. Noble's testimony is significantly diminished.

On page 133 a statement is incorrectly attributed to Mr. Noble. Committee staffer Edith Holleman responded "that is with the authorization which you have in the first phase" to Noble's question "what time frame is that?" which was dropped from the transcript.

The most important alteration which significantly affects the meaning of Chairman Noble's remarks came on p. 94. He said:

> ...if they (private sector) go ahead with the second or third module of their own -- I am not saying they will, but I would hope that they will -- that would be a great demonstration of the private sector's ability to not have to have government subsidy all the time.

The following was printed:

> ...if they go ahead with the second or third module of their own -- I am not saying that they will, but I would hope that they will -- that would be a great demonstration of the private sector's ability to do without government subsidy.

Mr. Ralph Lotkin
August 24, 1983
Page 2

Finally, it should be noted that when Chairman Moffett left for a vote, no other members were present. Staffer Holleman continued questioning for 45 minutes to an hour where upon the hearing was closed by the staff with no members present. The notation that Rep. Frank closed the hearing is inaccurate. John Galloway, the Subcommittee Staff Director, closed the hearing. Although we are not experts with hearing protocol, we are unfamiliar with extensive hearings being conducted solely by staff.

Thank you for allowing us to comment on this matter. If you have any further questions, please contact Gary Knight, Director, House Relations.

Sincerely,

Victor A. Schroeder
President

APPENDIX Q

United States Synthetic Fuels Corporation
2121 K Street, N.W. Washington, District of Columbia 20586 Telephone: (202) 822 6600

September 14, 1983

Mr. Ralph L. Lotkin
Chief Counsel for
Investigation of Altered Documents
Committee on Standards of Official Conduct
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Lotkin:

On August 23, 1983, my office received a form letter explaining that all members of the House during the 97th Congress and certain present and former congressional and committee staff were receiving an interrogatory, a copy of which was enclosed, calling for information relating to unauthorized changes in statements made during any official proceeding of the House of Representatives. Although I do not fit the categories of congressmen and congressional staff for which the interrogatory was apparently drafted, I understand that the Committee on Standards of Official Conduct desires my personal perspective with regard to certain testimony I gave before the Environmental, Energy and Natural Resources Subcommittee of the House Government Operations Committee on June 9, 1982.

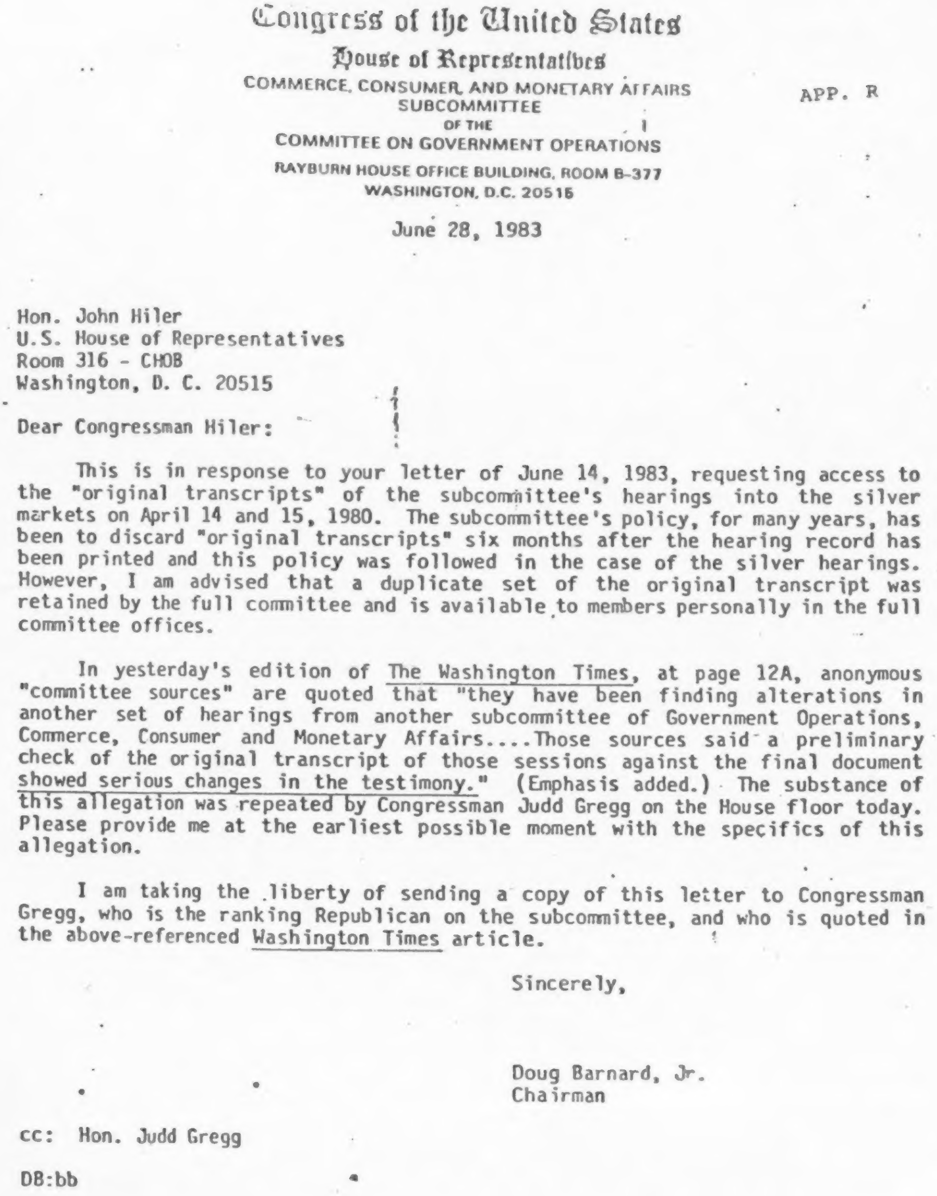
At that time, Corporation staff made a tape recording of my testimony. They compared the tape with the draft official transcript and transmitted proposed corrections reflecting the differences between the tape and the draft transcript. Both a copy of the final official transcript, marked to note differences between the transcript and tape, and the original tape cassette recording have been made available to the Committee on Standards of Official Conduct.

I did not personally review the official transcript when it was first made available to the Corporation some fifteen months ago and my present recollection of my testimony is such that I cannot independently confirm whether the official transcript or the tape recording more accurately reflects my actual testimony. My staff, in making its contemporaneous review of the transcript, recommended that the draft be changed to reflect the differences on the tape. They evidently concluded, however, that no further action was warranted beyond calling these changes to the attention of those responsible for the transcript and none was taken following publication of the official transcript.

Sincerely,

Edward E. Noble
Chairman

APPENDIX R



Congreſs of the United States
Houſe of Repreſentatives
COMMERCE, CONSUMER, AND MONETARY AFFAIRS
SUBCOMMITTEE
OF THE
COMMITTEE ON GOVERNMENT OPERATIONS
RAYBURN HOUSE OFFICE BUILDING, ROOM B-377
WASHINGTON, D.C. 20515

APP. R

June 28, 1983

Hon. John Hiler
U.S. House of Representatives
Room 316 - CHOB
Washington, D. C. 20515

Dear Congressman Hiler:

This is in response to your letter of June 14, 1983, requesting access to the "original transcripts" of the subcommittee's hearings into the silver markets on April 14 and 15, 1980. The subcommittee's policy, for many years, has been to discard "original transcripts" six months after the hearing record has been printed and this policy was followed in the case of the silver hearings. However, I am advised that a duplicate set of the original transcript was retained by the full committee and is available to members personally in the full committee offices.

In yesterday's edition of The Washington Times, at page 12A, anonymous "committee sources" are quoted that "they have been finding alterations in another set of hearings from another subcommittee of Government Operations, Commerce, Consumer and Monetary Affairs....Those sources said a preliminary check of the original transcript of those sessions against the final document showed serious changes in the testimony." (Emphasis added.) The substance of this allegation was repeated by Congressman Judd Gregg on the House floor today. Please provide me at the earliest possible moment with the specifics of this allegation.

I am taking the liberty of sending a copy of this letter to Congressman Gregg, who is the ranking Republican on the subcommittee, and who is quoted in the above-referenced Washington Times article.

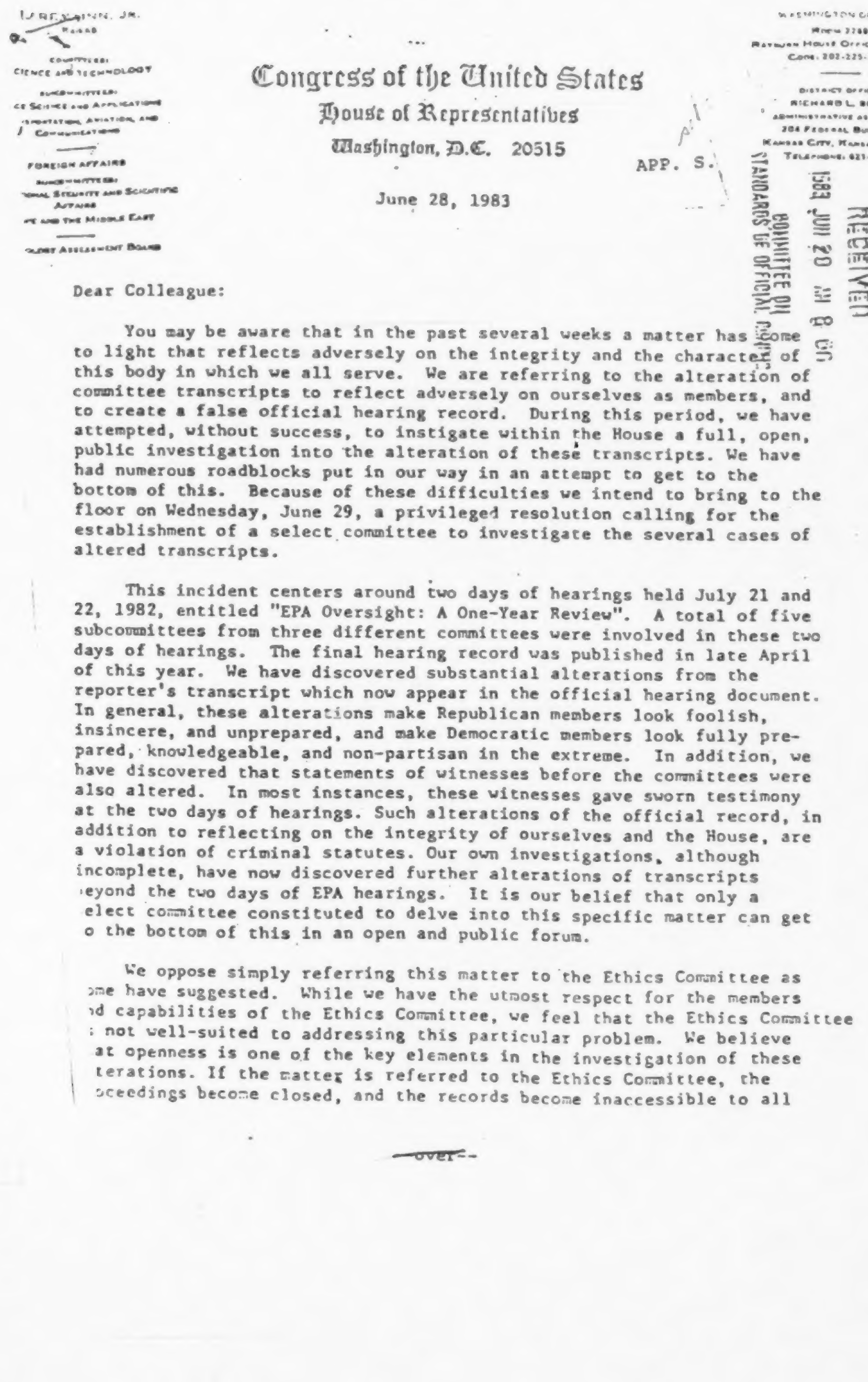
Sincerely,

Doug Barnard, Jr.
Chairman

cc: Hon. Judd Gregg

DB:bb

APPENDIX S



LARRY WINN, JR.
KANSAS

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CE SCIENCE AND APPLICATIONS
SPORTATION, AVIATION, AND
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House of Representatives
Washington, D.C. 20515

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ADMINISTRATIVE ASSISTANT
204 FEDERAL BUILDING
KANSAS CITY, KANSAS 66101
TELEPHONE: 621-0832

APP. S.

RECEIVED
1983 JUN 20 AM 8 05
COMMITTEE ON
STANDARDS OF OFFICIAL CONDUCT

June 28, 1983

Dear Colleague:

You may be aware that in the past several weeks a matter has come to light that reflects adversely on the integrity and the character of this body in which we all serve. We are referring to the alteration of committee transcripts to reflect adversely on ourselves as members, and to create a false official hearing record. During this period, we have attempted, without success, to instigate within the House a full, open, public investigation into the alteration of these transcripts. We have had numerous roadblocks put in our way in an attempt to get to the bottom of this. Because of these difficulties we intend to bring to the floor on Wednesday, June 29, a privileged resolution calling for the establishment of a select committee to investigate the several cases of altered transcripts.

This incident centers around two days of hearings held July 21 and 22, 1982, entitled "EPA Oversight: A One-Year Review". A total of five subcommittees from three different committees were involved in these two days of hearings. The final hearing record was published in late April of this year. We have discovered substantial alterations from the reporter's transcript which now appear in the official hearing document. In general, these alterations make Republican members look foolish, insincere, and unprepared, and make Democratic members look fully prepared, knowledgeable, and non-partisan in the extreme. In addition, we have discovered that statements of witnesses before the committees were also altered. In most instances, these witnesses gave sworn testimony at the two days of hearings. Such alterations of the official record, in addition to reflecting on the integrity of ourselves and the House, are a violation of criminal statutes. Our own investigations, although incomplete, have now discovered further alterations of transcripts eyond the two days of EPA hearings. It is our belief that only a elect committee constituted to delve into this specific matter can get o the bottom of this in an open and public forum.

We oppose simply referring this matter to the Ethics Committee as ome have suggested. While we have the utmost respect for the members d capabilities of the Ethics Committee, we feel that the Ethics Committee not well-suited to addressing this particular problem. We believe at openness is one of the key elements in the investigation of these terations. If the matter is referred to the Ethics Committee, the oceedings become closed, and the records become inaccessible to all

--over--

members except those on the Ethics Committee. This is a unique situation which, to our knowledge, the Ethics Committee has not dealt with before; that is, the unauthorized alteration of members' remarks at a congressional hearing. Unfortunately, the history of the Ethics Committee in dealing with unique situations does not give us great confidence that a satifactory resolution of the matter will be forthcoming. We fear that a Ethics Committee investigation would be too limited in scope. As we have just discovered, the scope of the alterations is already extending beyond one hearing. We would question the ability of the Ethics Committee to be able to move outside of the assigned scope should the magnitude of these alterations continue to expand. Also of grave concern to us is the fact that were a staff member or members to resign while the investigation was on-going, the Ethics Committee would lose jurisdiction and the matter would be closed. We feel it is crucial that any investigation continue on until all responsible parties are brought to justice and that the investigation not be dropped halfway through.

For these reasons we feel that a strongly worded resolution such as we will introduce tomorrow to establish a select committee to quickly and thoroughly investigate these altered transcripts is the proper route. We ask for your support in its establishment.

Sincerely,

Larry Winn Jr.
LARRY WINN, JR.

Bob Walker
ROBERT S. WALKER

William Carney
WILLIAM CARNEY

Jim Sensenbrenner
F. JAMES SENSENBRENNER

Judd Gregg
JUDD GREGG

John Hiler
JOHN HILER

Claudine Schneider
CLAUDINE SCHNEIDER

APPENDIX T

Congress of the United States
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

July 12, 1983 APP. T.

Honorable Doug Barnard, Jr.
U.S. House of Representatives
236 Cannon HOB
Washington, D.C. 20515

Dear Mr. Chairman:

I received your letter of June 29, 1983, on the eve of my departure for the July 4th recess, and I am pleased to know that Chairman Brooks is willing to make the original transcript of the subcommittee's hearings into the silver markets on April 14 and 15, 1980, available for my personal examination.

When our problems with the Moffett-Synar transcript relating to EPA hearings came to light, that situation raised the question of whether similar practices may have occurred in conjunction with other hearings and other subcommittees. That question in turn prompted an immediate recollection of concerns we had earlier about the testimony of then Commissioner Read P. Dunn of the CFTC with respect to his statements at a hearing on the silver markets which were held on April 15, 1980.

On that occasion, toward the end of a particularly acrimonious hearing, Commissioner Dunn made an especially telling rejoinder to Chairman Rosenthal during the course of their debate over whether the Administrative Procedure Act should govern the Commission's regulatory functions.

Twenty months later, in November, 1981, the Minority Counsel in gathering materials in preparation for my dissenting views, routinely consulted the official hearing record to confirm the accuracy of his recollection. The printed hearing betrayed what appeared to be at least a material distortion of Mr. Dunn's statements. In response to his inquiry, Minority Counsel was advised that the original transcript had been "archived," and that it would take "about three weeks" to secure its retrieval. Under the three-day time-frame which was applicable for the preparation of the dissenting views, that particular resolution of the problem seemed unpromising.

The Minority Counsel then called Mr. Dunn at home (he was no longer a member of the Commission),* and asked whether Mr. Dunn remembered making the statement that the Chairman's reasoning "would leave us (i.e. the Commission) talking to ourselves." Mr. Dunn responded in the affirmative. We secured his permission to use the quotation, and incorporated it as an indirect quotation within my dissenting views (pp.169-70). In this instance, we believed this procedure fully justified since it was a case of the Minority Counsel remembering what he heard, and the witness remembering what he said.

I also note with interest your reference to the quotation of "anonymous" "committee sources'" within the second paragraph of your letter. To be sure, the original "sources" of information relating to this possible incident have their origins from within the Committee because this is, quite simply, Committee business. At the same time, this matter has been the subject of widespread discussion on the Hill-- and downtown. In order to facilitate the work of your Subcommittee in the future, the Minority Counsel is, and has been, under specific instructions to communicate solely with me or Members of the Committee. Accordingly, any substantive inquiries directed to him by the press have been referred automatically to Members directly.

I share with you my concern for maintaining the good name of the Subcommittee in its relationship with Executive Branch officials and private citizens. In arriving at an early resolution of our concerns, the purposes of an accurate historical record will have been served, and to whatever extent there are differences of opinion as to the potential seriousness of any alterations which may exist, each interested party will have an opportunity to make an independent judgment according to their own personal standards.

Sincerely,

John

John P. Hiler
Member of Congress

cc: Hon. Judd Gregg

JPH/as

APPENDIX U

NINETY-EIGHTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT OPERATIONS
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515

July 12, 1983

APP. U.

The Honorable Judd Gregg
House of Representatives
Washington, D. C. 20515

Dear Congressman Gregg:

On June 28, 1983, you made a statement on the Floor of the House alleging that alterations had occurred in the transcript of a hearing involving silver market issues by the Subcommittee on Commerce, Consumer, and Monetary Affairs. You stated, "...we have definite documentation that those transcripts were dramatically altered in relationship to one of the testimonies of one of the people brought up here from the Executive Department to testify before that committee."

That same day, you wrote to me asking that the stenographer's transcripts incident to the silver market hearings on March 31, April 13, 15, and 30, 1980, be made available. In my response the following day, I advised that the original transcripts had been retrieved from the archives and were available for your review in the committee office. Furthermore, as I, too, am concerned about any unauthorized alterations in committee transcripts, I requested that you provide me with any evidence in support of the allegations with reference to these hearings.

As of this date, I have not received any further communication from you or other Members specifically identifying in whose testimony and at what point unauthorized changes supposedly occurred. It is also my understanding that you have not availed yourself of the opportunity to review the original transcripts in the committee office. Nevertheless, various publications continue to carry articles alleging that major alterations may have been made in those transcripts.

Although I have not been advised of the specific allegations, news reports quoting unnamed "House staffers" suggest that the controversy concerns a colloquy between Subcommittee Chairman Rosenthal and CFTC Commissioner Dunn appearing on page 155 of the printed hearing record. In the interest of getting to the bottom of these charges, I am forwarding to you a copy of this same colloquy as it appeared in the original transcript provided by the Official Reporter to the committee. It appears to me that the changes in the printed hearing record are clearly within the scope of standard editing practice.

If I have misidentified the questioned remarks, or if there are other changes which you question, I would appreciate being advised of such.

Sincerely,

JACK BROOKS
Chairman

Enclosures

APPENDIX V

[illegible]
S BROOKS, TEX., CHAIRMAN
NTE B. FASCELL, FLA.
N FUQUA, FLA.
N CONYERS, JR., MICH.
DISS COLLINS, ILL.
ENN ENGLISH, OKLA.
LIOTT H. LEVITAS, GA.
NRY A. WAXMAN, CALIF.
ED W[illegible] N.Y.
IKE [illegible], OKLA.
TEPH[illegible] NEAL, N.C.
OUG BARNARD, JR., GA.
ARNEY FRANK, MASS.
OM LANTOS, CALIF.
ONALD D. COLEMAN, TEX.
OBERT E. WISE, JR., W. VA.
ARBARA BOXER, CALIF.
ANDER M. LEVIN, MICH.
UDDY MacKAY, FLA.
EL LEVINE, CALIF.
AJOR R. OWENS, N.Y.
DOLPHUS TOWNS, N.Y.
OHN M. SPRATT, JR., S.C.
OE KOLTER, PA.
EN ERDREICH, ALA.

NINETY-EIGHTH CONGRESS

Congreſs of the United States
House of Representatives
COMMITTEE ON GOVERNMENT OPERATIONS
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515

[illegible]
FRANK HORTON, N.Y.
JOHN N. ERLENBORN, ILL.
THOMAS N. KINDNESS, OHIO
ROBERT S. WALKER, PA.
LYLE WILLIAMS, OHIO
WILLIAM F. CLINGER, JR., PA.
RAYMOND J. McGRATH, N.Y.
JUDD GREGG, N.H.
DAN BURTON, IND.
JOHN R. McKERNAN, JR., MAINE
TOM LEWIS, FLA.
ALFRED A. (AL) McCANDLESS, CALIF.
LARRY E. CRAIG, IDAHO
DAN SCHAEFER, COLO.

MAJORITY—225-5051
MINORITY—225-5074

APP. V

July 12, 1983

The Honorable Larry Winn, Jr.
House of Representatives
Washington, D. C. 20515

Dear Congressman Winn:

On June 29, 1983, you offered a privileged resolution, H. Res. 245, calling for the establishment of a select committee to investigate alleged alterations of certain transcripts of House subcommittee hearings. A portion of this resolution dealt with hearings conducted in 1980 by this Committee's Subcommittee on Commerce, Consumer, and Monetary Affairs involving silver market issues. Your resolution stated that, "...certain testimony and statements of that hearing may also have been materially tampered with."

As Chairman of the Committee on Government Operations, I naturally am concerned about any unauthorized alterations in Committee transcripts. I, therefore, would have appreciated being apprised by you of the evidence substantiating your allegations regarding the silver market hearings and I would appreciate being informed of that evidence at this time.

As of this date, I have not received any communication from you or other Members specifically identifying in whose testimony and at what point unauthorized changes in the silver market hearings supposedly occurred. Nevertheless, news reports quoting unnamed "House staffers" suggest that the controversy concerns a colloquy between Subcommittee Chairman Rosenthal and CFTC Commissioner Dunn, appearing on page 155 of the printed hearing record. In the interest of getting to the bottom of these charges, I am forwarding to you a copy of this same colloquy as it appeared in the original transcript provided by the Official Reporter to the committee. It appears to me that the changes in the printed hearing record are clearly within the scope of standard editing practice.

If I have misidentified the questioned remarks, or if there are other changes which you question, I would appreciate being advised of such.

Sincerely,

JACK BROOKS
Chairman

Enclosure

APPENDIX W

TIONS
TEE ON AGING
POLICY COMMITTEE
VICE CHAIRMAN:
TASK FORCE ON CONGRESSIONAL AND REGULATORY REFORM
TASK FORCE ON THE BUDGET PROCESS

Congreſs of the United States
House of Representatives
Washington, D.C. 20515

N.H. HIGHWAY HOTEL
FORT EDDY ROAD
CORD, NEW HAMPSHIRE 03301
(603) 228-0315

1 SPRING STREET
SHUA, NEW HAMPSHIRE 03060
(603) 883-0800

157 MAIN STREET
BERLIN, NEW HAMPSHIRE 03570
(603) 752-5358

APP. W.

JUL 18 1983

July 14, 1983

RECEIVED
JUL 18 1983
HOUSE COMMITTEE ON
GOVERNMENT OPERATIONS

Honorable Jack Brooks
Chairman, Committee on Government Operations
2157 R.H.O.B.
Washington, D.C. 20515

Dear Chairman:

Thank you for your letter of June 29th and July 12th. Since the Ethics Committee has taken jurisdiction over this matter, it is my understanding that the proper procedure is for me to turn over any information I have to that Committee and this is the course which I will be following.

Sincerely,

Judd Gregg
Member of Congress

JG:smp

APPENDIX X

[Reprinted from Barron's Apr. 21, 1980]

Editorial Commentary—Rush to Judgment

THIS IS NO TIME TO CHANGE THE RULES IN COMMODITIES

Every disaster (or near-disaster) in financial annals sooner or later leads to an official inquiry, in which a duly constituted investigating body, usually long after the dust has settled, sifts through the wreckage and seeks to affix blame. Barely three weeks have gone by since the near-miss in silver jolted the commodity and stock markets, but the political headline-grabbers and professional second-guessers already are hard at work.

Thus, to Capitol Hill last week, at the behest of Rep. Benjamin Rosenthal (D., N.Y.), who heads the House Government Operations Subcommittee on Consumer and Monetary Affairs, trouped James M. Stone, chairman of the Commodity Futures Trading Commission, and his colleagues, as well as Harold M. Williams, chairman of the SEC. (Tomorrow the Subcommittee will vote on whether to subpoena the testimony of Nelson Bunker Hunt and his brother, whose wheeling and dealing in the precious metal triggered perhaps the most spectacular margin call in Wall Street history.) Vying with the Rosenthal group in the rush to judgment soon will be the House and Senate Agriculture Committees and the Senate Banking Committee, which plan to launch hearings sometime next month. In the Hunt for a scapegoat, evidently, the lawmakers aim to leave no Stone unturned.

Last week, hearings, however, barely scratched the surface. For one thing, they were staged so hastily that only one CFTC Commissioner came armed with an introductory statement, while the Chairman of the SEC was obviously unprepared. Congressman Rosenthal, moreover, conducted the proceedings as if he were late for a roll-call. Herewith one thoughtful colloquy, after Commissioner David G. Gartner had cited the legislative history of his agency in an effort to defend its turf:

Rosenthal: Enough! That's enough [gavel].

Gartner: I only have two paragraphs more . . .

Rosenthal: No! That's enough. Just submit it for the record. [Gavel, whereupon the Subcommittee chairman exited, stage left.]

And for someone presumably seeking to ferret out the facts, the solon, so the record suggests, already holds strong if not unshakable views. "I find it incredible . . . ," he told one witness. Or: I've never heard anything like that in my life." Or: "So what did you do? Nothing." The tireless quest for truth, of course, is always easier once you've made up your mind.

Be that as it may, the hearings held by the Rosenthal Subcommittee failed to turn into an officially sanctioned lynch party. On the contrary, to the lawmaker's palpable dismay, the expert witnesses proved to be highly divided on the issues. True—and true to form—the SEC's Williams, while balking at some of Rep. Rosenthal's more extreme ideas, lined up on the side of greater regulation. In particular, he urged that a so-called suitability rule ("know your customer") be imposed upon commodity trading, and that margins be raised closer to the 50 percent level that applies to securities. Similarly, Chairman Stone of the CFTC, invoking the hallowed names of Roosevelt and Truman, said that he, too, favored federal control over margin requirements on commodities. On this issue (as on others), he thereby parted company with his fellow commissioners, who, to a man, defended their agency's behavior in the crisis and rejected the need for so-called reform. "No one except speculators and unwary brokers got hurt," averred Commissioner Gartner. "This is no time to advocate solutions to problems that do not exist."

We don't always see eye-to-eye with the Commissioner, who once, in a scathing letter to the editor, accused *Barron's* of being a century behind the times. In the current controversy, however, he and his colleagues strike us as profoundly right. Regarding "suitability," scarcely anyone seems more superbly equipped by both nature and circumstance to lose billions of dollars than the Hunts. Despite missing the margin call, after all, they wound up paying every cent they owed, with nobody but themselves and their hangers-on the poorer.

As to investor protection, Chairman Williams' concern looks equally misplaced. Those who deal in commodities are not investors but speculators, who by and large know what they're doing. Unlike securities, moreover, commodities are usually not brought and sold outright; they're traded, for a specific and limited purpose such as hedging, which depends on readily available liquidity and low margins. Finally, nobody needs the kind of protection that saw the federal watchdogs look the other way at scandals like Equity Funding. Few claim that the commodities marts work perfectly, or that they can't be improved. But regulation—as the U.S. in other realms is belatedly and painfully aware—only serves to make matters worse.

That's not a popular view in Washington, D.C., which automatically seizes on every disaster, natural or man-made, to yield political capital. FDR, after all, had his "Ishmaels and Insulls, whose hand is turned against every man," to say nothing of Montgomery Ward's intransigent Sewell Avery, while "Give 'em hell Harry" fiercely tilted against the steel barons and other malefactors of great wealth. Benjamin Rosenthal, the scanty record indicates, plainly is seeking to cast the Hunts in a similar role. As several Commissioners testified, no evidence whatever of manipulation, market corner or squeeze has surfaced. Yet witness the following revelatory exchange between the lawmaker and CFTC Commissioner Read P. Dunn:

Rosenthal: Are you a regulatory or an adjudicatory agency?

Dunn: We're obviously both.

Rosenthal: Then how on earth do you consider it proper for litigations—like the Hunts—to see the judge? Do you know of anywhere else where those who are litigating have access to the judge's office to sit down and talk over their problems with him?

Dunn: I'm glad you said "litigants," because once a compant is filed or a matter is in litigation, we stay away from the matter and from those involved in it. And I excuse myself from any Commission decisions on any matter I've been involved with. But we're also a regulatory agency, and in regulating the industry we have a talk with the people in that industry.

Rosenthal: But the Hunts, with a massive corner on silver, don't you think they're potential litigants?

Dunn: That reasoning would leave us talking to ourselves.

That's probably as good a way as the Subcommittee's of learning things. For even without public hearings, or the benefit of supoena power, it's clear that while mistakes were made across-the-board, the system continued to function. On the first count, as we have said before, there's plenty of blame to go 'round. The Hunts unquestionably made the mistake of overstaying their market and overplaying their hand. In turn, the New York Commodity Exchange and the Chicago Board of Trade, acting at the not-so-subtle urging of the CFTC, may be faulted for abruptly raising margin requirements, imposing limits on the number of contracts a trader might hold and decreeing "liquidation only" (no new buying) on outstanding contracts, thereby overnight changing the rules of the game against the longs and triggering the subsequent collapse. On the other hand, the CFTC firmly rejected an outrageous suggestion by Bache & Co. to suspend trading in silver, while the Hunts, as noted, met all their obligations. Would that every financial crisis, past and future, had so happy an ending.

In the circumstances, despite the worst efforts of Congressman Rosenthal and likeminded colleagues, the search for scapegoats will probably come to nought. May the same fate befall the legislative "reforms" so eagerly embraced by Messrs. Williams and Stone. After years of disillusionment, regulatory aggrandizement, after all, no longer automatically commands the knee-jerk response it once evoked on Capitol Hill; these days you can run it up the flagpole and nobody salutes. In the realm of securities regulation, lawmakers are uneasily aware that much of the landmark legislation of the past decade—the Williams Act of 1968, the 1970 amendments to the Investment Company Act of 1940, the 1975 amendments to the Securities Act of 1933—bear the name of a Senator whose wife works for him on the public payroll, who may or may not have understated the value of his assets and who, in the aftermath of the undercover Abscam operation, is currently the target of a Justice Department investigation into influence peddling. Leaving aside the Equity Funding scandal, about which the SEC did nothing until too late, that's hardly the kind of legislative history to inspire others to go and do likewise.

A dubious blessing in the securities field, over-regulation could do permanent damage in commodities, where the market mechanism is sensitive to tampering and alternatives exist abroad. Thus, over the years, Congess time and again has rejected proposals to give the federal government authority to impose margin requirements on commodities. And for good cause. Because of low margins, for example, grain merchants and food processors, who operate largely on borrowed money, can hedge their transactions at relatively low cost, a practice that offers advantages not only to the businessman but also to the ultimate consumer. Contrariwise, an increase in margins not only would raise costs up and down the distribution pipeline but also curtail liquidity and choke off the customary channels of trade. Protect us, as the saying goes, from our so-called friends.

For the first time in these pages—may it not be the last—Commissioner David Gartner deserves the last word. "There are those . . . who take the position that government necessarily erred because government did not act. This point of view is embodied in a theoretical notion that government intervention is the only solution. Those who hold this unenlightened point of view are the victims of artless simplicity. . . . While the fact that we permitted the normal forces of supply and demand to work their will may be unusual for a government regulatory agency, this course of action nonetheless was the responsible one to take. Consequently, this is no time to advocate solutions to problems that do not exist. The silver phenomenon was free enterprise at its finest hour. It demonstrated that that system works. . . . Hopefully, a consensus will emerge that this was one occasion when government, in its wisdom, exercised restraint and thereby did not lead a difficult market situation into a state of chaos."

—Robert M. Bleiberg

APPENDIX Y

Mr. Rosenthal. Do you conceive yourself as a quasi-judicial body or a regulatory body? How do you conceive yourself?

Mr. Dunn. There is no question that we have a judicial function. The organization has it's own court system, and I sit as a Judge.

Mr. Rosenthal. Do you think it's appropriate that litigants before the court can come and see the Judge? I'm just trying to ask if you think it's appropriate that people whom you regulate have the right, or you thought it appropriate that they could come and visit with you in the way that they did?

Mr. Dunn. The two times you put the question are very different litigants. I make it a policy, in fact all of us do, to have no communication with people who are, let's say, before our court, our Administrative Law Judges.

In otherwords, once we have issued a formal complaint and the matter is in litigation, then we stay completely away from it, because we may have to sit in judgment as a Commission or as a Commissioner in the review of the Administrative Law Judge's decision on appeal.

And, also, if there is a litigation against any person with whom I've had any close connections in the past, my policy is to disassociate myself.

Mr. Rosenthal. Let us take the example of somebody who owned a majority of the silver markets in the United States. The potential for that person being a litigant or appearing before the Commission is rather high.

Mr. Dunn. Potential. I don't understand potential that you and I may be -- hold up before some court or other. I hope it doesn't happen.

But if you talk about potential in that way, then it means that no discussion with anybody that is ever involved in the market would be possible. I think that's going too far.

Mr. Rosenthal. It's an interesting thought.

Mr. Dunn. Yes.

Mr. Rosenthal. It's an interesting thought.

Mr. Dunn. Yes.

Mr. Rosenthal. We'll develop that.

Mr. Martin?

Mr. Martin, why don't you offer your thoughts and views so I'll know anything we've talked about or anything you think is relevant to this.

Mr. Martin. I think reading the deathless prose you have before you will come from Mr. Gardner rather than me.

Mr. Rosenthal. That's fine.

Mr. Martin. I do have a couple of comments and I will come back. You don't have to ask my opinion about whether we acted or whether we didn't, and so on.

But, I'm not going to -- I've got a few notes here that I'll just kind of wade through in a little bit.

And at the risk of seeming to oversimplify the problem, to my mind, after stripping away the extraneous matters, the threats of impending doom that started to surface on March 26th, arose from some bad business judgments previously made by one or more Commission houses.

These judgments have to do with the extension of credit, acceptance of the exposure of carrying customers positions that were so great, as to be too big for the market, and then in effect, crying fire in a crowded theater.

And any speculative venture, whether involving securities or commodities, the dangers of pyramiding, using unrealized profits as margins with which to expend the position are basic and should be pointed out to the customer.

I don't say that this was general throughout the whole structure here, but I think it happened in more than one case.

Mr. Rosenthal. We're talking now about the silver markets?

Mr. Martin. I'm speaking about the silver market.

Mr. Rosenthal. And you think individual innocent citizens were involved in this run up in price?

Mr. Martin. I think by the time late last year, the

Mr. ROSENTHAL. Do you conceive yourself as a quasi-judicial body or a regulatory body? How do you conceive yourself?

Mr. DUNN. There is no question that we have a judicial function. The organization has it's own court system, and I sit as a judge.

Mr. ROSENTHAL. Do you think it's appropriate that litigants before the court can come and see the judge? I'm just trying to ask if you think it's appropriate that people whom you regulate have the right, or you thought it appropriate that they could come and visit with you in the way that they did?

Mr. DUNN. The two ways you put the question have very different answers. I make it a policy, in fact all of us do, to have no communication with people who are, let's say, before our court, our administrative law judges.

In other words, once we have issued a formal complaint and the matter is in litigation, then we stay completely away from it, because we may have to sit in judgment as a Commission or as a Commissioner in the review of the administrative law judge's decision on appeal.

And, also, if there is a litigation against any person with whom I've had any close connections in the past, my policy is to disassociate myself.

Mr. ROSENTHAL. Let us take the example of somebody who owned a majority of the silver contracts in the United States. The potential for that person being a litigant or appearing before the Commission is rather high.

Mr. DUNN. Potential. I don't understand. There is a potential that you and I may be hauled up before some court or other. I hope it doesn't happen.

If you talk about potential in that way, then it means that we have no discussion with anybody that is ever involved in the market would be possible. I think that's going too far.

Mr. ROSENTHAL. It's an interesting thought.

Mr. DUNN. Yes.

Mr. ROSENTHAL. We'll develop that.

Mr. Martin, why don't you offer your thoughts and views so I'll know anything we've talked about or anything you think is relevant to this.

Mr. MARTIN. I think reading the deathless prose you have before you will come from Mr. Gartner rather than me.

Mr. ROSENTHAL. That's fine.

Mr. MARTIN. I do have a couple of comments and I will come back. You don't have to ask my opinion about whether we acted or whether we didn't, and so on.

But, I'm not going to—I've got a few notes here that I'll just kind of wade through in a little bit.

And at the risk of seeming to oversimplify the problem, to my mind, after stripping away the extraneous matters, the threats of impending doom that started to surface on March 25, arose from some bad business judgments previously made by one or more Commission houses.

These judgments have to do with the extension of credit, acceptance of the exposure of carrying customers positions that were so great as to be too big for the market, and then, in effect, crying fire in a crowded theater.

APPENDIX AA

(NOT FOR ATTRIBUTION)

The four CFTC Commissioners testified before Rosenthal's House Subcommittee on Commerce, Consumer and Monetary Affairs in a continuation of the hearings begun yesterday.

CFTC Chairman Stone opened the session by responding in a general way to several questions prepared by Rosenthal's staff member. (attached) With respect to an update on traders, markets, etc., Stone said he had no new information to disclose, and reminded Rosenthal that the CFTC is prohibited from divulging individual traders' positions. As for structural reforms/vertical integration of general regulatory authority, Stone said that there was no need for such reforms now.

Stone then addressed specific changes in regulatory approaches, working from the premise that the Government should prevent market manipulation by individual traders or small groups of traders working together. In this regard, however, he did not believe that speculative position limits are of much use when they are imposed after positions have already been attained (i.e., "once the cat has been let out of the bag"). Instead, he thought, it may be necessary to impose limits before large positions are acquired, and he hoped the CFTC would reconsider its decision not to impose silver contract limits.

Stone also thought that margin requirements should be tighter, and that there should be greater restrictions on institutions lending to traders for margin purposes. He reiterated his view that "the futures markets should not be a low-down-payment vehicle for the acquisition of physical commodities."

Lastly, Stone said there needs to be better cooperation and coordination with other agencies to prevent the kind of problems that could develop with banks and brokerage houses lending money to meet margin calls.

Rosenthal: What about suitability requirements?

Stone: I'm generally in favor of them; other Commissioners are not.

Rosenthal: What about position limits?

Stone: In my prepared statement, and just now in my comments, I said I'm in favor of them.

Rosenthal: How about margin requirements?

Stone: I just said that I think the Federal Government should set uniform margin requirements, and that speculative margins should be much higher. I'm not the first to suggest this, of course: President Roosevelt said it when the CEA was created, but Congress declined to provide margin authority. President Truman suggested the same thing, and Congress again failed to act. When the CFTC was first established Congressman Vanik urged that we be given margin regulatory authority. Again Congress declined. I think President Roosevelt, President Truman, Congressman Vanik and countless others were right.

Rosenthal: Do you think the CFTC should be moved under the aegis, the wing, of another agency, e.g., the Treasury or the SEC?

Stone: Not at this time, certainly. An independent agency has many advantages over a Cabinet office, including its independence and its continuity. At the same time, a Cabinet or Executive Branch agency is better able to respond quickly to changes in national policy. But I don't think we need to, or should, change the fundamental structure of commodities regulation at this time.

Rosenthal: Has the CFTC accepted the involvement of other agencies in these problems? Or does it still think it's the only one that can handle commodities problems?

Stone: We all see the need for better coordination and cooperation with other agencies, especially the SEC, the Fed and the Treasury. But we feel the exclusive jurisdiction and regulatory system of the CFTC worked and worked well in the silver market situation.

Commissioner Dunn spoke next, pointing out that the problems in the silver market are far more complex and much more difficult than either the comments or stories in the press, or the questions and comments by Congress, would indicate. Specifically, Dunn said, the roots of this problem go deep into the cash market and they extend literally around the world in the cash market for silver.

There were fundamental supply and demand factors that led to the silver price increases in the cash market, and the cash market pulled the futures market up with it. As the cash market price rose it reflected -- and was caused by -- increased world wide supply and demand factors, principally greatly increased demand, and a decreasing supply, especially in coins and old silver. The demand increase was caused by inflationary fears about national currencies, not only in the U.S., but throughout the world.

The decreasing world supply was also aggravated by the hoarding of physical silver by certain large traders, both locally and abroad. And this was especially the case when holdings of people with the same name were aggregated. The silver price run-up, therefore, resulted from the fact that people were taking silver out of the cash and commercial markets worldwide.

Rosenthal: What percentage of that was domestic and what percentage was foreign? What percentage was caused by the Hunts?

Dunn: I'm glad you phrased the question that way, because the fact is no one knows about the cash markets. If you ask traders in London, Chicago, New York, Hong Kong, Germany or Switzerland what their estimates of the cash market are, their answers differ by billions (millions? [he mumbled]) of dollars.

Rosenthal: Was the silver market crash caused by foreigners or by the Hunts?

Dunn: Let me say it was not "or", but "as well." It's the problem of aggregation. It'd be very easy to say we'll aggregate the positions of everyone with the same name and blame the situation on them. But that's much easier said than done. The fact is, aggregation in the worldwide cash market is extremely difficult to assess.

Rosenthal: But isn't it true that the CFTC never did anything to stop the Hunts from acquiring -- from monopolizing -- the supply of silver in the U.S.?

Dunn: No, that's not true. We watched them carefully, we were concerned about their positions, we discussed it, but we determined that no official Commission action was necessary.

Rosenthal: What percentage of delivery is required in silver?

Dunn: Delivery is required in all contracts in all markets, as a means of forcing traders to close out their contracts. Delivery in silver contracts is higher than in most others. We use 5% delivery as an average for all commodities contracts -- but it's always a higher percentage in silver.

Rosenthal: Wasn't it really a case of the Hunts manipulating the market through delivery?

Dunn: I don't think there was any manipulation -- at least we have no evidence of any -- since there was no distortion of the cash market against the futures market.

Rosenthal: Did you ever meet with the Hunts? Do you have any records of those meetings? Are those records personal or CFTC records?

Dunn: Yes, I've met with them and have some notes on those meetings and . . .

Rosenthal: Will you give them to me, or do we have to subpoena them to get them in here?

Dunn: It's not §8 material, so I don't have any problem sending them. But let me say one thing, some people have the idea the CFTC should have provided some protection -- or should have prevented -- the silver price from going up and coming down. Well, that's not our function. We don't set silver prices, and we do not control the cash market or the prices people want to pay or ask for silver.

Rosenthal: Do you see any need for additional legislative authority?

Dunn: No, not at this time.

Rosenthal: Do you have any regrets, then, about how the CFTC handled itself or the silver crash?

Dunn: No. Maybe we should have acted sooner on setting position limits, but hindsight is always easier. And the enforcement of position limits is almost impossible, especially with the aggregation problems.

Rosenthal: Are you a regulatory or an adjudicatory agency?

Dunn: We're obviously both.

Rosenthal: Then how on earth do you consider it proper for litigants -- like the Hunts -- to see the judge. Do you know of anywhere else where those who are litigating have access to the judge's office to sit down and talk over their problems with him?

Dunn: I'm glad you said "litigants", because once a complaint is filed, or a matter is in litigation, we stay away from the matter and from those involved in it. And I excuse myself from any Commission decisions on any matter I've been involved with. But we're also a regulatory agency, and in regulating the industry we have to talk with the people in that industry.

Rosenthal: But the Hunts, with a massive corner on silver, don't you think they're potential litigants?

Dunn: That reasoning would leave us talking to ourselves. You and I could be potential litigants someday -- I hope it never happens -- but does that mean we shouldn't talk to each other except in a court room?

Commissioner Martin testified next noting that an image of "impending doom" has been raised in the media and the subcommittee. If there is an image of impending doom, he said, it resulted from the bad business judgment of certain Commission Houses, bad business judgment in:

-- the extension of credit to traders,
-- the exposure to the Commission House of carrying large customers,
-- crying "Fire!" in a crowded theater.

Furthermore, pyramiding is not some evil machination, it's basic to commodities trading, and it should be explained and pointed out to any customers -- or anyone else -- that doesn't understand it.

There weren't very many "little people" in the silver market by the end of March. The markets had become too volatile and too sophisticated -- and expensive -- by then. And the Commission Houses should not have accepted unrealized profits as margin for higher loans to buy more silver and acquire still more unrealized profits for margin uses.

Additionally, the price run-ups in silver were worldwide, not just in the U.S. And they were in most futures markets and in all metals: copper, silver, gold, platinum, titanium. This isn't market manipulation; it was a reaction to the fear of inflation, and the decline of the dollar.

Also, with the proposals for a suitability rule, I think it's ridiculous. I can't think of any customers that would have a harder time failing suitability requirements -- any suitability requirements -- than those involved in the silver markets.

And customer protection. Well, to many, customer protection is a compound word, like "Damn Yankee" and many people would like it to mean protecting the customer from himself and his own bad judgment. I think that's wrong. Customer protection should protect the customer from fraud, deceit, and inadequate or misleading disclosure. But it should not insulate him from his own bad judgment ~~or the losses that result from bad judgment~~ or the losses that result from bad business judgments. In the commodities markets we don't need the kind of suitability rules found in the securities industry. Rather, we should have full disclosure of the RISK of futures trading.

No one ever invests in commodities. Few people buy commodities. They speculate. If you want to trade in commodities you've got to be a trader, not a buyer. So we don't need to see if a certain commodity is suitable for that customer's age or financial situation; whether it's too conservative or too speculative. Commodities is speculation. If you've got the money to speculate, no commodity is more or less "suitable." And lots of people have the money, but no temperment for commodities trading. They can't take the risk of loss or the daily price changes. In my mind they shouldn't be in the market -- and with that kind of temperment, they won't be in the markets for long . . .

Rosenthal: Would you submit what ever's left for the record. Have you ever met the Hunts?

Martin: Yes, I only have a little left . . .

Rosenthal: Just submit it. Have you met the Hunts, ever? And where?

Martin: I met Bunker Hunt once, in Commissioner Dunn's office, and Herbert Hunt once in my office. They had come to the Commission to complain about excessive government regulation, restrictions on their trading, and the possibility that these restrictions would force them to liquidate their positions.

Rosenthal: And you didn't see anything wrong with meeting with them? With meeting with the very people you're supposed to regulate? And meeting with them not as The Commission, but privately, informally? I find it incredible that you'd ever consider such off-the-record meetings!

move anonymous + staff and [illegible] <—— Anonymous: [sotto voce] Ever meet with a lobbyist? (CFTC staff)

Martin: No, I don't think it's wrong -- I think it's imperative. Like Commissioner Dunn, I won't talk with anyone if there's a proceeding against them. But we need to talk to industry people to regulate the industry.

Rosenthal: Do you talk with other people? Can anyone come into your office and talk with a CFTC Commissioner?

Martin: Yes. I often talk with industry people. We have to do our jobs.

Rosenthal: Do you have any records of these meetings?

Martin: Only my secretary's log of who comes to visit. Our discussions are not recorded -- and we, of course, have to be careful not to discuss things that only we, as a Commission, know. But we're here in Washington -- not in the markets every-day. So we've got to talk to lots of industry/market people to keep up with the situation.

Rosenthal: What about the effects of the silver market on the securities markets.

Martin: First, I was not surprised by the silver market. I'm not saying I predicted it, but I wasn't surprised. Most sharp price rises end up with sharp corrections -- in any market. Here some Commission Houses got themselves exposed to a point they shouldn't have.

Rosenthal: Were the Treasury, Fed and SEC, Carswell, Williams and Volcker overly concerned, then, or what? They seemed surprised.

Martin: You'll have to ask them. I think they were being told that several large banks would fail, Wall Street would topple, and there would be financial ruin and chaos. The fact is, nobody folded, no one failed.

Rosenthal: No one failed -- well, just a $4.5 million company, but that's nobody, I guess.

Stone: What? Who was . . .

Martin: Was that a brokerage, a Commission House:

Rosenthal: No, a metals company.

Martin: Oh, that. That was not . . .

Rosenthal: I think, it's your philosophy, then, to regulate by not regulating? To do nothing?

Martin: No. The Commission did not sit idly by. We pressed and pressured the Exchanges into taking action. And there are lawsuits pending and threatened from those actions. And we put continuing pressure on them to liquidate positions . . .

Rosenthal: On who? Who did you pressure?

Martin: The three Exchanges involved: COMEX, the Chicago Board of Trade, and the Mid-America Exchange.

Rosenthal: So you jawboned. You talked and talked but never did anything? Never took emergency action.

Martin: No. We got the Exchanges to take action -- actions that we could not take ourselves . . .

Rosenthal: But they took different actions. Each Exchange took different actions, so how could that work?

Martin: Yes, each Exchange took different actions, but each action had an effect, and the overall effect was to cool speculation in the market.

Rosenthal: What are you? Are you a Regulator? Or a Persuader? I've never heard anything like this in my life. Doing business off the record, through the staff, over the phone. You're an administrative agency subject to the Administrative Procedures Act and you're doing business informally, privately, off-the record!

Martin: We privately called each of the Exchanges into our Commission Hearing Room -- where we conduct all Commission business -- to urge them to take action. We had a duty to keep the markets orderly, and just the knowledge that the CFTC had called in the silver Exchanges could -- would -- disrupt the markets.

Rosenthal: But shouldn't you have simply told the Hunts to stop trying to buy up all the silver in the U.S.

Martin: That's the cash market, and we just don't have that authority. Nor can we set retroactive position limits on futures contracts.

Commissioner Gartner read a prepared statement (attached), and then read other comments. Before he finished the first statement, Rosenthal interrupted.

Rosenthal: It says here in the CFTC Annual Report that the Commission is established to control excess speculation and to prevent market corners and manipulation. So what did you do? Nothing.

Gartner: There is, in fact, no evidence so far of any market cornering, squeeze or manipulation. And we have an investigation in progress now so I can't comment on specific allegations.

Rosenthal: But if there's an investigation in progress, you don't know if there was manipulation. So how can you say [in prepared statement] that "this was free enterprise at its finest hour."? You can't say that -- you just don't know.

Gartner: No. We do know that so far there is no evidence at all of any market corner, squeeze or manipulation.

Gartner then finished his Statement, and continued with his remarks (also attached). Rosenthal then asked Stone to comment. Stone said tat he was pleased that "Those at this Hearing -- all of those at this table, at least -- have focused on the right issue, not on what has been heard in the media and Congress." He went on to say that if any complaints were to be made, they should be directed at the Commissioners, not at the staff, which did an exemplary job.

Congressman Jim Jeffries (R-KAN) spoke next, saying that the talk of "impending doom" should be directed not at the futures markets, but at the incredibly high interest rates and the havoc they're causing to the people of America. There is talk, he said, of people being "induced" into the futures markets. Well how far does inducement go? We induce people to spend, and borrow, and we constantly induce greater government regulation."

In his view, poor money management -- especially by the government -- and the exportation of our inflation have caused these problems. "How many people in the silver or commodities markets were hurt?", he asked, "compared to those hurt by inflation, interest rates and excessive government regulation? How badly were the markets hurt? And who really suffered?" The answers, he thought, were obvious.

Martin: I don't think any markets were necessarily hurt, but they took on a different coloration. We've learned some things from this episode. But we've also learned that the markets work. And the government itself is not one of the least significant market influences.

Rosenthal: Commissioner Gartner, should the Fed, Treasury and SEC have access to CFTC surveillance meetings?

Gartner: By "access" do you mean should htey be present and participate? I think they should be provided access to surveillance information -- the same as any other federal agency -- on a "need-to-know" basis.

Rosenthal: On March 28, 1980 the CFTC voted 4-0 to provide Senator [Donald W.] Stewart [D-ALA] with information on the silver market. But that very same day, that very Commission voted

3-1, with Chairman Stone dissenting, not to provide the same information to me. Why?

Gartner: Senator Stewart requested information that did not contain any §8 material, and he specifically asked us to delete any §8 material that might be included in that request. You asked for §8 material.

Rosenthal: So you voted to delete the §8 material from the information provided him, but voted 301 not to respond to me?

Gartner: No. We decided that if the information requested by Senator Stewart contained any §8 material, then we would vote on whether or not to provide his Committee [Senate Banking, Housing and Urban Affairs Committee] with that material. The material he requested was not §8 material, so we did not need to take that vote, and it has not yet been taken.

But now that you bring that subject up, I'd like to read into the record the majority position of the CFTC, on §8 material. It represents the views of Commissioners Dunn, Martin and myself, and that is that Congress provided in the CEA statute for a grant of exclusive jurisdiction to the Commission over the commodities futures markets. We oppose any intrusion into our exclusive jurisdiction, and believe Congress was clear -- as clear as it could be -- in granting the Commission exclusive jurisdiction.

Based on the language of the Act, and on legal opinions and the legislative history of the provisions, it is the majority position that we will provide [§8] information only where Congress has expressly required us to do so. When Congress said we should provide such information to Congressional Committees, we believe it meant "Committees," and only those Committees acting within the proper scope of their jurisdiction and authority. Congress did not say "Subcommittees" in §8(e), and this is a subcommittee of the full House Committee. We . . .

Rosenthal: Enough! That's enough. [Gavel]

Gartner: I only have two paragraphs more . . .

Rosenthal: No! That's enough. Just submit it for the record. [Gavel; whereupon the subcommittee chairman exited, stage left.]

OPENING STATEMENT OF
BENJAMIN S. ROSENTHAL, CHAIRMAN
COMMERCE, CONSUMER AND MONETARY AFFAIRS SUBCOMMITTEE
COMMITTEE ON GOVERNMENT OPERATIONS
APRIL 15, 1980

FEDERAL RESPONSE TO EVENTS IN THE SILVER MARKETS

At today's hearing on the Federal response to the collapse of the silver market and the impact of that event on the financial markets, the subcommittee will receive testimony from the Chairman and Commissioners of the Commodity Futures Trading Commission.

We have asked the Commissioners to provide information in three general areas:

First, an update on the traders, exchanges and commodities most affected by March silver trading.

Second, the structural reforms proposed by the GAO in May 1978, including the concept of vertical integration of regulatory authority.

Third, the possible effects on the various financial markets of either a corner on an underlying commodity or manipulation of a particular futures contract.

In addition, the subcommittee is concerned about the regulatory disparities among the Federal agencies regulating these markets, particularly in the broad area of customer protection, pyramid and tax-induced trading (conversion, deferral, and straddles), margin requirements and the explosive growth in non-agricultural contracts.

REMARKS OF COMMISSIONER DAVID G. GARTNER
COMMODITY FUTURES TRADING COMMISSION
BEFORE THE COMMITTEE ON GOVERNMENT OPERATIONS
SUBCOMMITTEE ON COMMERCE, CONSUMER AND MONETARY AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES
April 15, 1980

The Commodity Futures Trading Commission has nothing to apologize for with respect to ~~its~~ role in connection with recent reverberations in the silver futures market. While the fact that we permitted the normal forces of supply and demand to work their will may be unusual for a government regulatory agency, this course of action nonetheless was the responsible one to take.

Consequently, this is no time to advocate solutions to problems that do not exist. The silver phenomenon was free enterprise at its finest hour. It demonstrated that the system works.

There are those ~~however,~~ who take the position that government necessarily erred because government did not act. This point of view is embodied in a theoretical notion that government intervention is the only solution. Those who hold this unenlightened point of view are the victims of artless simplicity.

The Securities and Exchange Commission has no additional role in commodity futures. Neither does the Federal Reserve System nor the Department of the Treasury. Congress made that quite clear in 1974 after careful thought and deliberation. The CFTC is capable of doing its job and capable of doing it with the tools it presently has at hand.

The Silver Saga of 1980 will be discussed and debated for a long time.

APPENDIX BB

STATEMENT
of
READ P. DUNN
Former Commissioner
COMMODITY FUTURES TRADING COMMISSION
August 29, 1983

I am aware of the allegation that certain parts of the record of an April 15, 1980, hearing regarding silver prices and the adequacy of Federal actions in the marketplace, 1979-1980, were improperly altered. Specifically, it has been alleged that an exchange between Rep. Benjamin Rosenthal, Chairman, Subcommittee on Commerce, Consumer, and Monetary Affairs, Committee on Government Operations, and me appearing at page 155 of the final printed record was improperly modified from what was actually stated. I understand the basis of this allegation is an April 21, 1980, editorial in *Barron's*. The editorial presents a different colloquy (although the substance is materially the same) than the published hearing.

I have reviewed with the staff of the Committee on Standards of Official Conduct the *verbatim* transcript of the April 15, 1980, hearing, the official printed hearing record, and the *Barron's* editorial.

I conclude that the *Barron's* version of my exchange with Chairman Rosenthal should *not be regarded* as a direct quote, but, rather, a summary or recapitulation of what the Chairman and I said.

It is my opinion that no improper alterations were made to either the transcript or the final print of the subject hearing and that there is, therefore, no basis for so contending.

Read P Dunn
Read P. Dunn

Subscribed and sworn to before me
this 29th day of August, 1983.

Notary Public
District of Columbia

My Commission Expires:

My Commission Expires April 30, 1984

APPENDIX CC

ing but optimism. Every time someone gets up to criticize the President, it should be balanced. Some praise ought to be forthcoming for the turnaround.

HAPPY BIRTHDAY, ED FRAZIER

(Mr. MYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MYERS. Madam Speaker, today is the 64th birthday of one of our most respected and well-known members of our House of Representatives staff. Ed Frazier, who now serves as Doorkeeper on the center door, the main door of the House, has been working here on Capitol Hill for 36 years. He is a native of southern Indiana, New Albany, Ind., and 36 years on the Hill is a long time, but today is his 64th birthday and, Ed, we wish you a happy birthday and may you serve many more years with respect and honor as you have in the past here in the House. Happy birthday.

"REVISE AND EXTEND REMARKS" SHOULD BE CLARIFIED

(Mr. LUJAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LUJAN. Madam Speaker, I think the time is approaching that the words, "revise and extend remarks" should be clarified and the rules of this House adhered with. I wish to present to this body another blatant example of an official record being altered.

Last November in a Judiciary subcommittee, the Subcommittee on Civil and Constitutional Rights, the committee chairman discussed information received from the Department of Justice which exonerated three assistant U.S. attorneys from charges made against them. The officials of the Justice Department who made the charges, which came from the Abscam operation, were highly criticized by the Office of Professional Responsibility.

The Office of Official Reporters recorded 19 lines of very significant content. The final published version of the hearings were reduced to five lines of clearly reduced meaning.

The altered version clearly omits statements critical of the conduct of a key Justice Department official in charge of Abscam. Even though these remarks were published in news accounts, they do not appear in the published record of this House.

Madam Speaker, this is another example of tampering with legislative history, the history on which laws are based and Court decisions are based.

Madam Speaker, at this point in the Record, I would like to insert the Official Reporter's transcription of the statement, to be followed by the final published version of the statement.

[Note portions in italic.]

Committee Hearings of the U.S. House of Representatives, Office of the Clerk, Office of Official Reporters

. . . going to bring some public official to a meeting without even disclosing the purpose of the meeting.

Mr. Edwards. I believe that is a very important point. We will remind ourselves at hearings in the future to zero in on this criminal standard. We were able to I think convince the Department of Justice and the FBI at domestic intelligence investigations they had to adhere to a criminal standard or very close to it.

And that certainly was missing in some of these ABSCAM cases, especially, where the loose canon was involved. They didn't care if the person had ever been suspected of criminal activity, or you were true blue or not. They still would try to hook him. Or at least get them into difficulty.

I think that we—I should point out that with regard to the investigation of Mr. Plaza and Mr. Weir, and the New Jersey office made by the Office of Professional Responsibility, the Department of Justice, they did complete the report. Of course, they have not released it. But staff has received information from the Department of Justice *with an oral briefing to the effect that, in the words of the Office of Professional Responsibility, the Nathan memo was libelous and slanderous of Plaza and Weir and not an accurate analysis of the December 17, 1980 memos.*

And the Office of Professional Responsibility characterized the Department of Justice position as a twisted analysis, and he said, Plaza and Weir obviously felt that they had been given the shaft and we agree with it. This is the boss over there saying this.

After all, again according to the Office of Professional Responsibility, it was a finding of guilty by the second highest official in the Department of Justice, that is Mr. Renfrew, without substance.

And the Office of Professional Responsibility concluded that "Plaza, Weir and Robertson had throughout played by the rules. They were very complementary of the New Jersey office in general, both in terms of ethics and accomplishments."

Had that information been released to you?

Mr. Robertson. No, Mr. Edwards. I appreciate hearing that. It has been a long time.

Mr. Edwards. Mr. Lungren.

Mr. Lungren. Thank you, Mr. Chairman.

Mr. Robertson, in your brief oral testimony, but more in your written statement, you refer to the encounters you had, both telephonically and personally, with Judge Renfrew.

First of all, is it usual practice for someone in the Justice Department when referring something to OPR for a decision to make a recommendation as to discipline?

Mr. Robertson. I do not know, Mr. Lungren. I don't know . . .

FBI Undercover Operations

(Hearings before the Subcommittee on Civil and Constitutional Rights of the Committee on the Judiciary, House of Representatives, Ninety-Seventh Congress, Second Session, on FBI undercover operations, February 4, March 2, April 1, 22, 29, June 2, 3, 9, July 22, and November 23, 1982)

Serial No. 76

. . . that they are going to bring some public official to a meeting without even disclosing the purpose of the meeting.

Mr. Edwards. I believe that is a very important point. We will remind ourselves at hearings in the future to zero in on this criminal standard. We were able to, I think, convince the Department of Justice and the FBI at domestic intelligence investigations they had to adhere to a criminal standard or very close to it.

And that certainly was missing in some of these Abscam cases, especially where the "loose canon" was involved. They didn't care if the person had ever been suspected of criminal activity, or whether you were "true blue" or not. They still would try to hook him.

I should point out that with regard to the investigation of Mr. Plaza and Mr. Weir, and the New Jersey office which was undertaken by the Office of Professional Responsibility, of the Department of Justice, they did complete that report. Of course, they have not publically released it. But our staff has received information from the Department of Justice in an oral briefing. *While I am constrained at this point not to discuss the findings of OPR, I can say that the Office of Professional Responsibility fully exonerated Messers Plaza, Weir and Robertson, and was highly critical of other officials within the Department and the manner in which the complaint was presented to OPR.*

Had that information ever been released to you?

Mr. Roberton. No, Mr. Edwards. I appreciate hearing that. It has been a long time.

Mr. Edwards. Mr. Lungren.

Mr. Lungren. Thank you, Mr. Chairman.

Mr. Robertson, in your brief oral testimony, but more in your written statement, you refer to the encounters you had, both telephonically and personally, with Judge Renfrew.

First of all, is it usual practice for someone in the Justice Department when referring something to OPR for a decision to make a recommendation as to discipline?

Mr. Robertson. I do not know, Mr. Lungren. I don't know the answer to that question.

Mr. Lungren. I was under the impression that that is unusual. Usually it is sent to OPR for their decision. And yet in this case, Judge Renfrew sent it over with a recommendation of discipline, along with the request that they make a decision. As to the punishment.

Mr. Del Tufo. I wasn't there, but it is my understanding it was sent over with the charter simply to come up with what the proper discipline should be, which would suggest—is that not true? If that is the case, then it certainly is unusual, because OPR alone is supposed to make that judgment.

Mr. Lungren. OK. I just wondered if you, Mr. Robertson, from your specific encounters at that time, could indicate, was this—was it in the nature of a personality conflict? Just what was Judge Renfrew's demeanor about this? Did it appear to be more of a concern that the Department had been embarrassed, or was there a genuine concern about the fact that some rule had been violated.

That is, if an ex-parte communication, unauthorized communication going from people down the chain of command?

DAIRY PRICE SUPPORTS

(Mr. RIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIDGE. Madam Speaker, during the Fourth of July recess, I held several town meetings throughout my district. One of the issues that kept

APPENDIX DD

H 5140 CONGRESSIONAL RECORD — HOUSE July 14, 1983

CLARIFICATION ON TRANSCRIPT CHANGES IN SUBCOMMITTEE ON CIVIL AND CONSTITUTIONAL RIGHTS OF COMMITTEE ON THE JUDICIARY

EDWARDS

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of California. Mr. Speaker, yesterday, the gentleman from New Mexico raised an issue about changes between the transcript and the printed record of hearings held by my subcommittee. The gentleman was correct—a change was made, however the reason for the change and the fact that I simply edited my own words were not revealed nor made clear to this House.

During the period of time my subcommittee, the Subcommittee on Civil and Constitutional Rights of the House Committee on the Judiciary, was conducting oversight hearings on undercover activities of the Federal Bureau of Investigation, it came to the attention of my staff that internal investigations had been conducted by the Office of Professional Responsibility of the Department of Justice. We felt the results of this investigation were pertinent and important to know and understand.

The Counsel and Director of that Office, Mr. Michael Shaheen, agreed to brief our staff on the condition that all of the information be treated as confidential and not be revealed publicly. The policy of that office does not permit it to make public the details of its internal investigations. Relying on the word and reputation for integrity of our committee staff, Mr. Shaheen agreed to the briefing.

At a hearing on November 23, 1982, one of the staff members who attended that briefing gave me information in writing to use at the public hearing. Unknown to me, this information violated the promise to keep the briefing material confidential. Not knowing, I used it. I was subsequently told what had occurred. I immediately called Mr. Shaheen to explain the circumstances and personally apologize. I, in addition, edited my own words in the transcript of the hearing to remove some of the details while leaving the substance intact. My view was then, and it is now, that having breached our word on confidentiality, we needed to contain the damage of my inadvertence. The staff person responsible for that breach of confidence and broken promise is no longer with the committee staff.

There is no resemblance to nor analogy to any unfortunate changes in transcripts which were made to alter the meaning of Members' or witnesses' words which we have heard so much about recently. There was no plot, no design, other than to uphold the word of the committee staff, my subcommittee, and this House.

It was, I believe, the right judgment then as it is now.

'Now that the material has been unfortunately placed in the RECORD, I invite your careful scrutiny. You will find we simply tried to balance the integrity of the RECORD and the integrity of our promise.

PERSONAL EXPLANATION

(Mr. AuCOIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AuCOIN. Mr. Speaker, I was unavoidably absent yesterday during rollcall 248, the adoption of the rule on the Caribbean Basin Economic Recovery Act. I am opposed to the rule, and had I been present I would have voted "no."

Mr. Speaker, I ask unanimous consent that my statement appear in the permanent RECORD following the rollcall.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

EFFECT OF REAGANOMICS ON STATE BUDGETS

(Mr. KOLTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLTER. Mr. Speaker, I rise today to address a problem which faces every State in the country, but which has reached drastic proportions in my home State of Pennsylvania. The Commonwealth of Pennsylvania has operated without the benefit of a State budget for the past 2 weeks. Hundreds of thousands of Pennsylvanians are not receiving State services. Certain State employees are going without their paychecks and the entire State is suffering from a lack of certainty about the future.

A great deal of attention is being paid by the media to the budget battle between the Governor and the State legislature. Some blame the Governor and some blame the legislature. But the fault lies here in Washington, at the White House. It is the irresponsible policies of President Reagan which have forced the majority of State governments to raise taxes and to cut vital State services. The President puffs himself up with pride when he talks about how he has cut taxes. He never mentions that 40 State governments have raised or are considering raising taxes. He never mentions that the States have had to cut important services in the fields of education, housing, health and welfare.

The President has built his public image on the backs of the State governments. His careless and deceptive policies have "trickled down" to State and municipal governments and the people they serve.

Mr. Speaker, I truly wonder if the people still think they are better off today than they were 3 years ago.

THE END OF AN ERA

(Mr. BATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BATES. Mr. Speaker, on January 8, 1983, America's comfortable coexistence with its telephone was turned upside down. The consent decree signed between the Justice Department and AT&T enforced the divestiture of its 22 operating companies. It ended an era of the quiet, efficient monopoly of the free world's largest corporation.

In three bills that I have recently introduced I have sought to clarify this consent decree, to protect the consumer, to insure effective competition, and to guarantee that this incredibly complex telecommunications system continues to serve this Nation.

This legislation has been strongly criticized on the grounds that it is inappropriate Government intervention in the marketplace. That is an argument that none of us should buy.

Our telecommunications network is a creation of the legislative branch. The Communications Act of 1934, among others, created this great monopoly and the Federal Communications Commission to monitor it. It is both right and appropriate that the legislative branch also oversee the dismantling of this monopoly.

The AT&T. divestiture will be the great consumer issue of 1983 and 1984. We must be prepared to discuss it in a reasonable and practical manner. Spurious complaints of the Congress having no jurisdiction have no place in this discussion.

SOUTHERN PACIFIC TRANSPORTATION CO. RAIL LINE ABANDONMENT

(Mr. BOSCO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOSCO. Mr. Speaker, I want to draw my colleagues' attention to a situation in my district that should be of interest to any Member who represents an area where rail service plays an important role in the local economy and the area's regional transportation system.

Earlier this year, the Southern Pacific Transportation Co. announced its plans to abandon a 170-mile stretch of the Northwestern Pacific Railroad, the north coast of California's only rail link with the rest of the State and the Nation. At the same time, SP imposed an immediate and permanent embargo on rail service on the affected portion of the line—a move clearly aimed at achieving a de facto abandonment and bypassing the Interstate

APPENDIX FF

Congreſs of the United States
House of Repreſentatives
Waſhington, D.C. 20515

July 21, 1982

The Honorable John D. Dingell, Chairman
Subcommittee on Oversight & Investigations
2322 Rayburn
Washington, D.C. 20515

Dear John:

I have received the printed record of the hearing of the Subcommittee on Oversight & Investigations in connection with the hearing of February 8, 1982, entitled "Securities Laws and Corporate Disclosure Regulations".

I am deeply concerned that the printed Record does not include certain material that was agreed to be included, and contains certain material for which there was no agreement.

Specifically, on page 68, I asked that "Mobil's letter to you dated January 28, 1982, with the attachments be included, by unanimous consent" in the Record. Although the Mobil letter of January 28, explaining the reasons for the declinations of Mr. Rawleigh Warner, Jr. and Mr. William P. Tavoulareas, to the Subcommittee's invitation to testify appears in the printed record, the attachments were omitted.

You may have concluded that the unanimous consent request was to have been limited to the Mobil letter of January 28, 1982. If that is true, I do not believe that the Subcommittee was afforded the opportunity to determine, as stated by you on page 71 of the printed record, that the proffering of Mobil's testimony be deferred:

> "until such time as we have concluded today's hearing, at which time we will, I think, make some judgment as to whether we wish to receive Mobil's proffer of testimony or whether we desire to have Mr. Tavoulareas and/or others appearing either in their individual capacity or in their capacity as officers of Mobil under process of the committee and under oath, so that we might examine more fully into this matter."

I am also attaching a copy of a letter dated March 11, 1982, received by our colleague, Marc L. Marks, as Ranking Minority Member of the Subcommittee, attaching a copy of a Statement dated February 25, 1982, submitted by Mobil following the February 8, 1982, hearing. It would appear that Mobil had some basis for believing that its February 25, 1982, statement would be included in the printed Record.

The Honorable John D. Dingell
July 21, 1982
Page 2

On page 298, the last page of the hearing record, it is stated:

> "(the following documents were submitted for the record. Depositions of over 25 witnesses taken by the SEC staff and other relevant Mobil, Fairfield-Maxwell, Atlas and Samarco documents may be found in Subcommittee files.)"

This text appears after, as the transcript reflects, the Subcommittee adjourned.

Who submitted the documents reproduced from pages 299-390? I recall no unanimous consent request asking that these materials be made a part of the hearing record. It would appear that majority staff has selectively placed in the record certain documents while excluding others, without any authority granted to it by the Subcommittee membership.

I was particularly surprised by the inclusion on page 345 of a letter to the Attorney General dated December 28, 1981, requesting an inquiry by the Department of Justice into "whether the private investigation of Subcommittee witnesses and potential witnesses may have constituted a violation of Section 1505 of Title 18, United States Code." No reference to this letter was at any time made during this hearing, nor was any Minority Member or minority counsel advised before or after the hearing that such an inquiry to the Attorney General had been made. Yet it appears in the hearing record with the apparent imprimatur of the full Subcommittee. Even more curiously, no Department of Justice response is included in the record.

I am also appalled by the insertion in the hearing record of certain newspaper articles designed to show that majority staff member Peter Stockton was somehow the victim of an attempted personal smear by either Mobil Oil or Mr. Tavoulareas. The articles describe Mr. Stockton as a "dedicated Congressional investigator" whose "credentials are extraordinary". With all due respect, this seems entirely self-serving to Mr. Stockton and of no relevance to the issues identified as the subject matter of the February 8 hearing. Its inclusion in the hearing record is, to my knowledge, without authority from the Subcommittee membership.

John, I am concerned that this hearing record is flawed and/or faulty and does not accurately reflect the materials and documents which should appear in the Subcommittee record pursuant to the long-standing Committee and Subcommittee treatment. Accordingly, I request the hearing record be recalled and corrected.

Sincerely,

Norman

NORMAN F. LENT
Member of Congress

NFL/cr

cc: The Honorable James T. Broyhill
The Honorable Marc L. Marks

APPENDIX GG

[illegible]
[illegible]

Congreſs of the United States
House of Repreſentatives
Washington, D.C. 20515

August 11, 1982

The Honorable John D. Dingell
2221 Rayburn
Washington, D.C. 20515

Dear John:

On July 21, I wrote you regarding the printed record of the hearing of the Subcommittee on Oversight & Investigations, held on February 8, 1982, entitled "Securities Laws and Corporate Disclosure Regulations". To date, I have not received a response to that letter although, in my opinion, a number of glaring omissions were outlined.

Since writing that letter, additional information has come to my attention which makes it even more clear that either a republication or a supplement to the printed record of our Subcommittee's proceedings is required in order to accurately portray what has in fact transpired.

It seems that one of the reasons, perhaps the principal reason, why the printed record exhibits the deficiencies pointed out in my earlier letter, lies in the timing and purpose of the printing and release of that record. After the passage of many months from the February 8, 1982, hearing, and before any Subcommittee report had been prepared, the hearing record was hurriedly printed and distributed on July 17, 1982. This, by a remarkable coincidence, was the very same day on which Messrs. Michael Barrett and Peter Stockton of the Subcommittee staff were scheduled to testify in the libel action brought by William Tavoulareas against The Washington Post in the Federal District Court in Washington, D.C. During cross-examination of Mr. Barrett by counsel for The Washington Post, he was asked whether a transcript of the hearing had been published and Mr. Barrett answered that it had just been published that very day, and had been brought to the courthouse (Tr. pp. 2763-64). Counsel for The Washington Post sought to introduce the printed hearing record into evidence, but the Judge sustained an objection to such introduction of the document (Tr. p. 2765). The timing of this exercise strikes me as most peculiar, especially since neither I nor any other member of the subcommittee had received a printed copy of the hearing transcript as of that date.

In my letter to you of March 16, 1982, you will recall I suggested it would be appropriate to obtain sworn statements from our Subcommittee staff members as to the circumstances surrounding the dissemination, in November 1979, of confidential Subcommittee information and of their secret dealings with The Washington Post. In large measure that request has been fulfilled by reason of their testimony, under subpoena, in the libel action. On July 17, both Messrs. Barrett and Stockton testified, and I enclose a copy of the trial transcript containing that testimony, together with pertinent portions of their earlier depositions.

That testimony illuminates several matters directly pertinent to the Subcommittee's activities relative to Mobil Corporation and Mr. William Tavoulareas. First, you will recall that your letter of March 5, 1980, to Mr. Tavoulareas stated that any dissemination of Subcommittee materials to The Washington Post in November 1979 was done by someone "not associated with our inquiry", and in your letter of December 18, 1981, you expanded this to mean a person "not associated with the Subcommittee". However, as you also know, in a sworn deposition Mr. Stockton testified that he was the one who gave the documents to The Post, and that he informed you virtually contemporaneously, probably on the very day in December, 1979 that Mr. Tavoulareas first met with you about this situation. (Deposition of 11/16/81, pp. 71-75.) Mr. Stockton has now repeated these statements again under oath, in the public trial, stating that in November 1979 he had repeated contacts with Pat Tyler of The Post (Tr. p. 2794), and that during the week ending November 23, 1979, he called Pat Tyler and delivered the Subcommittee documents to Mr. Tyler (Tr. pp. 2801-04). Further, Mr. Stockton admitted that at the December 4, 1979, meeting attended by yourself and Mr. Tavoulareas, although questions were asked about who released the documents to Mr. Tyler, he remained silent and did not identify himself as the person who had leaked those materials to Tyler (Tr. p. 2810).

Perhaps even more startling, Mr. Stockton testified under oath that the purpose of leaking the documents was to "obtain publicity" about the topic of possible Subcommittee "hearings"; however, no hearings had been scheduled and in fact no hearings on this matter were held in 1979, 1980 or 1981 (Tr. pp. 2802-06). Instead of making a general release of information to the press, Mr. Stockton admitted that this was a "narrow, singular release of information to one reporter and one newspaper", saying "that is often the case, that is not unusual" and that he did that "quite often" (Tr. pp. 2807-08).

Among the materials leaked to the Post reporter in 1979 were SEC materials from a "private investigation", which were subject to confidentiality restrictions, including the release of the SEC transcript of its 1977 interview with Mr. Tavoulareas, and a subsequent letter directed to the SEC by Mobil General Counsel; George Birrell. I do think it is a matter of real concern that our Subcommittee staff would obtain such materials from a federal agency for the apparent purpose of selective dissemination to the media, a purpose which has been documented by Mr. Stockton's testimony (Tr. p. 2787) and by the unrelated testimony of Post reporter Patrick Tyler (Tyler testimony at p. 525, 540, 549-552, 553, 557, and 562-567). This conduct is made further reprehensible by the fact that the Subcommittee did not at the time contemplate any related hearings or other legislative activity on the matter.

Mr. Barrett's testimony further confirms the repeated contacts between Pat Tyler and Mr. Stockton, prior to publication of The Washington Post articles of November 30 and December 1, 1979 (Tr. p. 2743), and states that at the December 4, 1979, meeting between you and Mr. Tavoulareas, you denied that the Subcommittee materials had been leaked and said "if somebody leaks documents he gets fired" (Tr. p. 2749). Of course, as Mr. Barrett testified, Mr. Stockton is still employed by the Subcommittee (Tr. p. 2749).

I still do not understand why you and our Subcommittee continue to tolerate this admitted misconduct by our Subcommittee staff members, especially in view of your earlier commitment to take appropriate action.

My letter of July 21 noted that the printed record not only failed to include the attachments to Mobil's letter of January 28, 1982, but also omitted the Statement of Mobil Corporation, dated February 25, 1982, submitted by Mobil following the February 8, 1982, hearing. I have since learned that Mr. Michael Barrett had agreed that such a Statement would be included in the printed record. Copies of pertinent correspondence to this effect are enclosed.

Accordingly, it seems to me essential to print and republish the hearing record, or at least a supplement to the printed record, which would include the attachments to the Mobil letter of January 28, 1982, the Statement of Mobil Corporation dated February 25, 1982, and my letters to you of March 16, and July 21, 1982, and this letter. Copies of each of these items are enclosed, and I trust this can be accomplished in the near future so that the substance of this hearing can be accurately conveyed.

Sincerely,

NORMAN F. LENT
Member of Congress

NFL/cr

Enclosures

cc: The Honorable Marc L. Marks
The Honorable Bob Whittaker
The Honorable Don Ritter
The Honorable Harold Rogers
The Honorable Dan Coats
The Honorable James Broyhill

APPENDIX HH

NINETY-EIGHTH CONGRESS

JOHN D. DINGELL, MICH., CHAIRMAN

JAMES H. SCHEUER, N.Y.
RICHARD L. OTTINGER, N.Y.
HENRY A. WAXMAN, CALIF.
TIMOTHY E. WIRTH, COLO.
PHILIP R. SHARP, IND.
ES J. FLORIO, N.J.
ARD J. MARKEY, MASS.
OMAS A. LUKEN, OHIO
DOUG WALGREN, PA.
ALBERT GORE, JR., TENN.
BARBARA A. MIKULSKI, MD.
AL SWIFT, WASH.
MICKEY LELAND, TEX.
RICHARD C. SHELBY, ALA.
CARDISS COLLINS, ILL.
MIKE SYNAR, OKLA.
W. J. "BILLY" TAUZIN, LA.
RON WYDEN, OREG.
RALPH M. HALL, TEX.
DENNIS E. ECKART, OHIO
WAYNE DOWDY, MISS.
BILL RICHARDSON, N. MEX.
JIM SLATTERY, KANS.
GERRY SIKORSKI, MINN.
JOHN BRYANT, TEX.
JIM BATES, CALIF.

JAMES T. BROYHILL, N.C.
NORMAN F. LENT, N.Y.
EDWARD R. MADIGAN, ILL.
CARLOS J. MOORHEAD, CALIF.
MATTHEW J. RINALDO, N.J.
TOM CORCORAN, ILL.
WILLIAM E. DANNEMEYER, CALIF.
BOB WHITTAKER, KANS.
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DON RITTER, PA.
DAN COATS, IND.
THOMAS J. BLILEY, JR., VA.
JACK FIELDS, TEX.
MICHAEL G. OXLEY, OHIO
HOWARD C. NIELSON, UTAH

FRANK M. POTTER, JR.
CHIEF COUNSEL AND STAFF DIRECTOR

U.S. House of Representatives
Committee on Energy and Commerce
Room 2125, Rayburn House Office Building
Washington, D.C. 20515

MEMORANDUM

DATE: July 21, 1983

TO: Members, Committee on Energy and Commerce

FROM: The Honorable John D. Dingell, Chairman

RE: Attached Washington Times Article

I am bringing to your attention an article headlined, "Another House record altered", which appeared in today's edition of The Washington Times.

I have not seen the letter from Congressman Lent to Congressman Walker to which the article refers. The article, however, indicates that it relates to the record of the hearing of the Subcommittee on Oversight and Investigations, held on February 8, 1982, which examined "Security Laws and Corporate Disclosure Regulations" in the light of Mobil Oil practices. (Hearing Record -- Serial Number 97-124).

I want you to know the facts about this matter.

(1) There was no alteration of either the transcript or the record as the article alleges.

(2) The article quotes Mr. Lent as describing himself as "surprised" at the inclusion in the record of a letter to the [U.S.] Attorney General requesting an inquiry as to whether one of the parties involved in the hearing might have violated Federal law in conducting investigations of Committee witnesses. Unanimous consent was requested and granted to include in the record "appropriate documents". While the letter was not specifically identified, it is clearly an appropriate document and was properly inserted, as were the other documents to which Mr. Lent referred.

(3) The article quotes Mr. Lent as charging that "attachments" to Mobil "letters" were omitted from the record. The hearing record was printed on July 14, 1982. On July 21, 1982, a letter was received from Mr. Lent complaining that "the attachments" to Mobil's letter of January 28, 1982, had not been included in the record. I determined that the material had been inadvertently omitted and directed that an appropriate errata sheet be prepared immediately for inclusion in the permanent hearing record. The errata sheet was printed and distributed by July 27th, less than a week after Mr. Lent's letter was received. The sheet was sent to all Members and has been included as a part of all hearing records thereafter sent out. It should be noted that there was only one letter, the letter of January 28, 1982, and only one attachment, a letter of January 11, 1982.

(4) The article reports that Mr. Lent further complained that a statement of Mobil Oil was left out of the hearing record. It was and it should have been. Mobil's Chairman of the Board and President were both invited to testify at the Subcommittee's hearing but refused to do so. Two weeks after the hearing an unsworn statement was submitted on behalf of Mobil Oil Company. The long-standing policy of the Subcommittee on Oversight and Investigations is to require all witnesses to be identified fully and sworn in advance of giving testimony. To include in the record the unsworn and untested statement of Mobil Oil Company when the company's two highest ranking officials refused to appear and provide testimony under oath would have been a violation of that policy. You should know, however, that Mobil's statement was distributed, upon receipt, to Members of the Subcommittee for their information.

The hearing record, published by the Oversight and Investigations Subcommittee, thoroughly and accurately reflects the hearing which occurred on February 8, 1982.

Attachment

THE WASHINGTON TIMES
July 21, 1983

Another House record altered

By Whitt Flora
WASHINGTON TIMES STAFF

The transcript of a 1982 House oversight subcommittee hearing was substantially altered by the deletion of key documents and insertion of others, according to charges contained in congressional correspondence.

The latest hearing to come under question as House staffers continue to find cases of official records being altered occurred Feb. 8, 1982.

Chairman of the hearing was Rep. John Dingell, D-Mich., in his role as chairman of the Oversight and Investigations Subcommittee of the Energy and Commerce Committee.

The subject of the hearing was whether the Securities and Exchange Commission had been correct in pursuing allegations against the Mobil Oil Corp.

The hearings were complicated and became bogged down in questions of whether subcommittee staff members had leaked documents to a reporter who later became involved in a libel suit.

After the final version of the hearing was published last July, a member of the subcommittee — Rep. Norman F. Lent, R-N.Y. — wrote Dingell to protest changes that had been made from the original.

In one case, Lent wrote, "I was particularly surprised by the inclusion of . . . a letter to the attorney general dated Dec. 28, 1981, requesting an inquiry by the Department of Justice into 'whether the private investigation of subcommittee witnesses and potential witnesses may have constituted a violation of Section 1505 of Title 18, United States Code.' No reference to this letter was at any time made during the hearing, nor was any minority counsel advised before or after the hearing that any such inquiry to the attorney general had been made. Yet it appears in the hearing record with the apparent imprimatur of the full subcommittee."

In other cases, Lent charged, the testimony of Mobil officials was left out of the hearing record, as were some attachments to letters from Mobil officials.

He wrote Dingell, "It would appear that majority staff has selectively placed in the record certain documents while excluding others, without any authority granted to it by the subcommittee membership."

Lent concluded, "John, I am concerned that this hearing record is flawed and/or faulty and does not accurately reflect the materials and documents which should appear in the subcommittee record pursuant to the long-standing committee and subcommittee treatment. Accordingly, I request that the hearing record be recalled and corrected."

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Dingell's staff referred inquiries about the matter to subcommittee staff members, who agreed to talk about the subject provided their names not be used.

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"That's the subcommittee's policy and Norm (Lent) ought to know that," said one staff member.

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The staffers had no explanation of how the letter to the attorney general got into the record, or why Dingell has not replied to Lent.

APPENDIX II

NINETY-EIGHTH CONGRESS

JOHN D. DINGELL, MICH., CHAIRMAN

JAMES H. SCHEUER, N.Y.
RICHARD L. OTTINGER, N.Y.
HENRY A. WAXMAN, CALIF.
TIMOTHY E. WIRTH, COLO.
PHILIP R. SHARP, IND.
JAMES J. FLORIO, N.J.
EDWARD J. MARKEY, MASS.
THOMAS A. LUKEN, OHIO
DOUG WALGREN, PA.
ALBERT GORE, JR., TENN.
BARBARA A. MIKULSKI, MD.
AL SWIFT, WASH.
MICKEY LELAND, TEX.
RICHARD C. SHELBY, ALA.
CARDISS COLLINS, ILL.
MIKE SYNAR, OKLA.
W. J. "BILLY" TAUZIN, LA.
RON WYDEN, OREG.
RALPH M. HALL, TEX.
DENNIS E. ECKART, OHIO
WAYNE DOWDY, MISS.
BILL RICHARDSON, N. MEX.
JIM SLATTERY, KANS.
GERRY SIKORSKI, MINN.
JOHN BRYANT, TEX.
JIM BATES, CALIF.

JAMES T. BROYHILL, N.C.
NORMAN F. LENT, N.Y.
EDWARD R. MADIGAN, ILL.
CARLOS J. MOORHEAD, CALIF.
MATTHEW J. RINALDO, N.J.
TOM CORCORAN, ILL.
WILLIAM E. DANNEMEYER, CALIF.
BOB WHITTAKER, KANS.
THOMAS J. TAUKE, IOWA
DON RITTER, PA.
DAN COATS, IND.
THOMAS J. BLILEY, JR., VA.
JACK FIELDS, TEX.
MICHAEL G. OXLEY, OHIO
HOWARD C. NIELSON, UTAH

FRANK M. POTTER, JR.
CHIEF COUNSEL AND STAFF DIRECTOR

U.S. House of Representatives
Committee on Energy and Commerce
Room 2125, Rayburn House Office Building
Washington, D.C. 20515

July 26, 1983

Honorable John D. Dingell
Chairman
Committee on Energy and Commerce
2125 Rayburn House Office Bldg.
Washington, D.C. 20515

Dear John:

This is in response to your Memorandum dated July 21 to all the Members of the Committee on Energy and Commerce concerning an article which appeared in The Washington Times on July 21, 1983. As I advised you and Committee Counsel Frank Potter this morning, I did not speak with any reporter from The Washington Times concerning this matter, nor did anyone on my staff. Further, I have refused other media requests for statements on this matter because, in my view, this is an internal matter to the House and the Energy and Commerce Committee.

Let me further state unequivocally that your integrity has never been in question in this matter. I have always had the highest regard for your fairness and honesty.

The issue here, as I conveyed to you in July and August of 1982, is that the Subcommittee staff overstepped the authority granted by you in February, 1982 to prepare the hearing record of the Subcommittee on Oversight and Investigation's February 8, 1982, hearing and to insert "appropriate documents" in the hearing record. To compound this abuse of authority delegated to it, the staff then orchestrated the printing of the hearing record. The staff exercised pressure on the Government Printing Office so that the printed hearing record would be available on July 17, 1982, the very day that two Subcommittee staffers testified in a trial then in progress before the U.S. District Court for the District of Columbia. The printed hearing record was on that date offered into evidence at the trial by attorneys for The Washington Post. The printed transcript was mailed to the offices of Subcommittee Members only after that date.

I have enclosed a copy of my letter to Mr. Walker dated July 19. You will note that I make no allegations concerning alterations of the transcript of the hearing. However, I have made allegations that certain liberties were taken by the staff with the printed and published hearing record of the February 8, 1982 hearing, and I stand by that allegation.

I must point out that I never received any responses to my letters of July 21, 1982 or August 11, 1982 in which I first raised my concerns about the accuracy of the printed hearing record of the February 8, 1982 hearing of the Subcommittee on Oversight and Investigations and requested that the hearing record be recalled and corrected.

As I pointed out to you in my letter of July 21, 1982, I had requested during the course of the Subcommittee's hearing on February 8, 1982, that Mobil's letter to you dated January 28, 1982, with the attachments, be included by unanimous consent. The printed hearing record excludes the attachments. I acknowledge that the subsequent "Errata" sheet sent by you in late July, 1982, to Members of the Committee included the additional material, but this Errata sheet was printed and published one week after attorneys for The Washington Post attempted to place into evidence in civil litigation pending in the U.S. District Court the printed hearing record of the February 8, 1982 hearing.

I further acknowledge, as the hearing record reflects at Page 71, that you indicated that some subsequent decision would be made concerning the proffer of Mobil's unsworn statement at the hearing, which I had requested also be included in the record. As I advised you on August 11, 1982, I had learned that your Subcommittee Chief Counsel, Mr. Michael Barrett, had agreed on February 19, 1982, that such a statement would be included in the printed hearing record. This was evidenced by a letter dated February 19, 1982 by Mr. Paul F. Petrus, General Manager of Mobil's Government Relations Department here in Washington to Mr. Barrett, confirming the oral agreement reached under which Mobil's statement would be included in the printed hearing record. To my knowledge, Mr. Barrett neither responded in writing to Mr. Petrus or phoned Mr. Petrus to correct any misimpression which Mobil's representative may have had.

Had there been any difficulty with Mobil's unsworn statement appearing in the printed and published record, appropriate language could have been inserted immediately prior to the Mobil statement indicating the statement was submitted after the hearing and was not under oath. This, however, was not done, and since no further hearings on this matter involving Mobil and its corporate officers have been conducted, the Subcommittee's hearing record of February 8 contains no information or oral testimony from Mobil Oil, although its conduct and the conduct of a number of its corporate officers was under scrutiny, and despite the fact that representatives of Mobil Oil had substantial basis for believing that their statement submitted on February 25, 1982, would be included in the printed hearing record.

I remain concerned about the inclusion of "appropriate documents" in the printed hearing record. As I advised you on July 21, 1982, I was particularly surprised by the inclusion on Page 345 of the printed hearing record of your letter to the U.S. Attorney General dated December 28, 1981, requesting an inquiry by the Department of Justice into "whether the private investigation of Subcommittee witnesses and potential witnesses may have constituted a violation of Section 1505 of Title XVIII, U.S. Code." No reference to this letter was at any time made during the course of the February 8 hearing, nor was any Minority Member or staff member advised before or after the hearing that such an inquiry with the Attorney General had been initiated. Yet the letter appears in the hearing record with the

APPENDIX EE

Another House record altered

By Whitt Flora
WASHINGTON TIMES STAFF

The transcript of a 1982 House oversight subcommittee hearing was substantially altered by the deletion of key documents and insertion of others, according to charges contained in congressional correspondence.

The latest hearing to come under question as House staffers continue to find cases of official records being altered occurred Feb. 8, 1982.

Chairman of the hearing was Rep. John Dingell, D-Mich., in his role as chairman of the Oversight and Investigations Subcommittee of the Energy and Commerce Committee.

The subject of the hearing was whether the Securities and Exchange Commission had been correct in pursuing allegations against the Mobil Oil Corp.

The hearings were complicated and became bogged down in questions of whether subcommittee staff members had leaked documents to a reporter who later became involved in a libel suit.

After the final version of the hearing was published last July, a member of the subcommittee — Rep. Norman F. Lent, R-N.Y. — wrote Dingell to protest changes that had been made from the original.

In one case, Lent wrote, "I was particularly surprised by the inclusion of . . . a letter to the attorney general dated Dec. 28, 1981, requesting an inquiry by the Department of Justice into 'whether the private investigation of subcommittee witnesses and potential witnesses may have constituted a violation of Section 1505 of Title 18, United States Code.' No reference to this letter was at any time made during the hearing, nor was any minority counsel advised before or after the hearing that any such inquiry to the attorney general had been made. Yet it appears in the hearing record with the apparent imprimatur of the full subcommittee."

In other cases, Lent charged, the testimony of Mobil officials was left out of the hearing record, as were some attachments to letters from Mobil officials.

He wrote Dingell, "It would appear that majority staff has selectively placed in the record certain documents while excluding others, without any authority granted to it by the subcommittee membership."

Lent concluded, "John, I am concerned that this hearing record is flawed and/or faulty and does not accurately reflect the materials and documents which should appear in the subcommittee record pursuant to the long-standing committee and subcommittee treatment. Accordingly, I request that the hearing record be recalled and corrected."

Lent said Dingell did not respond to his request.

Dingell's staff referred inquiries about the matter to subcommittee staff members, who agreed to talk about the subject provided their names not be used.

They were quick to defend the hearing record, saying the testimony of Mobil executives was not in the record because they had refused to testify in person.

"That's the subcommittee's policy and Norm (Lent) ought to know that," said one staff member.

In his letter to Dingell, Lent said that based on the subcommittee's actions on the hearing day, "It would appear that Mobil had some basis for believing that its Feb. 25, 1982, statement would be included in the printed record."

The staffers also said that while some other material from Mobil had been left out of the record, it had been quickly printed up after Lent's complaints and sent to subcommittee members.

"We worked hard to get that out to all subcommittee members, and they were all given copies," the staffer said.

The staffers had no explanation of how the letter to the attorney general got into the record, or why Dingell has not replied to Lent.

apparent imprimatur of the full Membership of the Subcommittee. As I indicated on July 21, it seems more curious that no response by the Department of Justice was included in the record.

I also continue to be concerned with the kinds of self-serving materials placed in the printed hearing record of the February 8 Subcommittee hearing concerning Peter Stockton of your staff. Newspaper articles focusing not on "securities laws and corporate disclosure regulations", the subject matter of the February hearing, but citing Mr. Stockton as a "dedicated Congressional investigator with the reputation for taking on the big guys" and as an individual whose "credentials are extraordinary," are totally irrelevant considerations to the issues before the Subcommittee on February 8. The clear implication of these materials in the printed Subcommittee hearing record is that Mr. Stockton has been unfairly and maliciously maligned in his work by corporate bullies. Your chief counsel of the Subcommittee has acknowledged that these materials had no business in the printed and published hearing record. He was, of course, correct.

Lastly, I want to explain the circumstances under which my letter to Congressman Walker of July 19 was prepared. As you know, the Subcommittee on Commerce, Transportation, and Tourism, of which I am the Ranking Minority Member, was one of the five Congressional Subcommittees which met in July, 1982 to conduct a "one-year review" of the policies and programs of the Environmental Protection Agency. A number of disturbing and potentially criminal alterations occurred in the printed hearing record of that joint Subcommittee hearing. Mr. Walker asked me, as the Ranking Minority Member of the Subcommittee, whether I was aware of any alterations of my remarks, and I advised him that I was not. However, I also advised him of my specific knowledge of the conduct of the February 8, 1982 Oversight and Investigations hearing and how the printed hearing record did not include certain material that was agreed to be included, and contained other irrelevant and non-germane material. Mr. Walker asked me to provide information concerning these matters, and in compliance with the request of my colleague, I did so.

It was not my wish that Mr. Walker release these materials to the press. However, it appears clear to me that the conduct of the Majority staff in the preparation of the printed hearing record, as well as its conduct in the entire investigation into this matter, has been highly questionable. As you will recall, testimony taken in the U.S. District Court in Washington revealed that among the materials leaked to the reporter for The Washington Post in 1979 were SEC materials from a then "private investigation", which were subject to confidentiality restrictions. At that time, as you know, no Oversight and Investigations Subcommittee hearings were contemplated and, accordingly, any staff objective to "obtain publicity" about the topic of Subcommittee hearings was invalid. As I wrote you in my August 21, 1982, letter, I think it is a matter of real concern that our Subcommittee staff would obtain such materials from a Federal agency for the apparent purpose of selective dissemination to the news media, which was documented by Mr. Stockton's testimony before the Federal District Court and by the earlier testimony of Post reporter Patrick Tyler.

My concerns over this matter have nothing to do with the merits or demerits of the position of the Mobil Oil Corporation. What is at issue here is whether printed and published records of Subcommittee hearings fairly reflect the hearings themselves and the understandings of hearing participants. Further, if irrelevant, non-germane and self-serving documents can be inserted by the staff without constraint and without the knowledge of the subcommittee membership under the guise of including "appropriate documents", these printed hearing records will surely lose their value to those who must examine them to ascertain legislative intent or for other historical purposes.

While I would like to put these episodes behind us, I would be willing to further discuss these matters with you should you think the same appropriate.

Sincerely,

Norman

Norman F. Lent
Ranking Minority Member
Subcommittee on Commerce, Transportation,
and Tourism

Attachments

APPENDIX JJ

ANSWERED "PRESENT"—2

Conyers
Crockett

NOT VOTING—16

Campbell
Craig
de la Garza
Dellums
Derrick
Hance
Heftel
Holt
Jones (NC)
Pashayan
Rostenkowski
Schaefer
Simon
Stump
Wylie
Young (AK)

☐ 1750

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS AT ANY TIME ON WEDNESDAY, OCTOBER 5, 1983

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Wednesday, October 5, 1983, for the Speaker to declare a recess for the purpose of receiving in joint meeting the President of the Federal Republic of Germany.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REPORT OF RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1010, COAL PIPELINE ACT OF 1983

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 98-353) on the resolution (H. Res. 309) providing for the consideration of the bill (H.R. 1010) to amend the Mineral Leasing Act of 1920 with respect to the movement of coal, including the movement of coal over public lands, and for other purposes, which was referred to the House Calendar and ordered to be printed.

☐ 1800

PERMISSION FOR SUBCOMMITTEE ON CRIME OF COMMITTEE ON JUDICIARY TO SIT TOMORROW DURING 5-MINUTE RULE

Mr. HUGHES. Mr. Speaker, I ask unanimous consent that the Subcommittee on Crime of the Committee on the Judiciary be permitted to sit during the 5-minute rule tomorrow.

It has been cleared with the minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

COMMENTS REQUESTED BY COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT ON PUBLISHING OF OFFICIAL RECORDS OF HOUSE

(Mr. STOKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STOKES. Mr. Speaker, on June 30 of this year, the House agreed to House Resolution 254, by a vote of 409 to 0, authorizing and directing the Committee on Standards of Official Conduct to undertake an investigation into alleged improper alterations of House documents. A part of the committee's inquiry involved the serving of interrogatories on each Member of the House during the 97th Congress and certain present and former congressional and committee staff. My remarks today are prefaced with a reminder that these interrogatories should be received in the committee office no later than tomorrow September 15.

A great deal of work has already been completed by the committee staff. Yet more needs to be done. Specifically, the committee is also mandated to report to the House any recommendations it deems proper with respect to the adequacy of the present code of official conduct or the Federal laws, rules, regulations, and other standards of conduct applicable to the conduct of Members, officers, or employees of the House to prevent the improper alteration of transcripts of hearings or other documents. I am therefore taking this opportunity to solicit any comments or advice that you may wish to offer regarding the procedure by which the official records of the House are published. In addition to obtaining the views of the Members of the House, the committee is likewise interested in the opinions of the committee and subcommittee staff directors, Government Printing Office personnel, Office of Official Reporters staff people, and those individuals in congressional offices who have the responsibility delegated to them for the editing of their Member's statements. In short, the committee invites all interested parties to share their advice and suggestions with us.

So that we may expeditiously review and analyze any comments that you may offer, we ask that those who wish to present testimony at a public hearing or statements for the record notify the Committee on Standards of Official Conduct within 7 days.

ARMS CONTROL PRINCIPLES

(Mr. FAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO. Mr. Speaker, our colleague from Wisconsin (Mr. ASPIN) has long been a leader in this Congress and in the country in behalf of arms control. Recently he made a significant contribution to the evolving debate on this subject by publishing a very well reasoned white paper which I think will help focus our attention, and hopefully the attention of the administration, on the moves that need to be made in October in Geneva to bring about a successful resolution to the START talks that are now in recess.

The Scowcroft Commission report, which we have tentatively, at least, adopted in this body, was based on a three-pronged approach: The deployment of the MX, a new, small ICBM, perhaps a mobile midget missile, and arms control. In my opinion, the administration thus far has given inadequate attention, to the arms control element of the Scowcroft Commission report.

It seems to me that the principles that are outlined in the ASPIN white paper, which focus on throw-weight differential, on the evolution of the bomber force in both the Soviet Union and the United States, and the third significant issue that has so far been a blockage to a proper resolution of this issue, the large MIRV'd ICBM force that both sides currently have in their arsenal, need once again to be reemphasized and reaffirmed by the Commission with recommendations to the administration for further action and presentation on October 6 in Geneva.

I am very hopeful that the work that Mr. ASPIN has contributed in this regard and the work that the Scowcroft Commission is now doing on his recommendations will be a guideline to the administration. As one who has supported the MX, I can only say that my vote on the very significant defense appropriation measure yet to come this fall will be based upon the success the administration has in meeting this test. Arms control does need to have a greater emphasis that this Congress so desires placed upon it. The administration must understand that if it is to succeed with the MX.

Hopefully, all Members, regardless of their views on the MX, who have a desire to reach a bipartisan consensus on arms control, will read Mr. ASPIN's paper.

SOME THOUGHTS ON POLITICS, STRATEGY, AND ARMS CONTROL PRINCIPLES

(By Les Aspin)

The key question in strategic arms control today is whether we can get beyond negotiating among ourselves so that we can begin to negotiate with the Soviet Union.

The many sides in our own domestic debate are so captivated by their conflicts with one another that they scarcely have any time or energy available to figure out how we should deal with the Soviets. As a nation we rather resemble a highly fractious labor union engaged in a battle over who are to be its leaders, what are the desirable terms for a new contract, which faction is to get credit with the members for proposing what, and whether or not to cancel the new dues assessment for a strike fund. In the meantime, opposing management (headed by a notoriously tough-bargaining, even union-busting, Chief Executive Officer) sits there smiling, waiting and building up its inventories. The prospect for reaching a reasonable deal under these circumstances is not bright.

So it is with arms control. When conservatives are out of power, they argue that any proposed arms accord (e.g., SALT II) merely ratifies Soviet advantages and, further, risks

EXHIBIT 1

IV

98TH CONGRESS
1ST SESSION

H. RES. 254

[Report No. 98–285]

To authorize an investigation by the Committee on Standards of Official Conduct.

IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 1983

Mr. STOKES (for himself and Mr. SPENCE) submitted the following resolution; which was referred to the Committee on Rules

JUNE 29, 1983

Reported with an amendment, referred to the House Calendar, and ordered to be printed

JUNE 30, 1983

Considered, amended, and agreed to

RESOLUTION

To authorize an investigation by the Committee on Standards of Official Conduct.

Resolved, That the Committee on Standards of Official Conduct is authorized and directed to conduct a full and complete inquiry and investigation into improper alterations of House documents including, but not limited to the alleged alteration of transcripts of joint hearings entitled, "EPA Oversight: One Year Review", before certain subcommittees of the Committee on Government Operations, the Committee on Energy and Commerce, and the Committee on Science and Technology of the House of Representatives, Ninety-seventh Congress, second session, July 21, and 22, 1982, and to determine whether any individuals have violated the Code of Official Conduct or any law, rule, regulation, or other applicable standard of conduct, or engaged in any other misconduct with respect to the events investigated. The scope of the inquiry and investigation may be expanded by the committee to extend to any matters relevant to discharging its responsibilities pursuant to this resolution or the Rules of the House of Representatives.

SEC. 2. The committee is authorized and directed to report to the House of Representatives any findings, conclusions, and recommendations it deems proper with respect to the adequacy of the present Code of Official Conduct or the Federal laws, rules, regulations, and other standards of conduct applicable to the conduct of Members, officers, or employees of the House of Representatives to prevent alteration of transcripts of hearings or other documents of committees of the House of Representatives.

SEC. 3. The committee, after appropriate notice and hearing, shall report to the House of Representatives its recommendations as to such disciplinary action, if any, that the committee deems appropriate by the House of Representatives and shall in any event report to the House the results of its inquiry and investigation, and said report shall be made to the House not later than December 30, 1983.

SEC. 4. (a) For the purpose of conducting any inquiry or investigation pursuant to this resolution, the committee is authorized to request or compel—

(1) by subpena or otherwise—

(A) the attendance and testimony of any person—

(i) at a hearing; or

(ii) at the taking of a deposition by one or more members of the committee; and

(B) the production of things of any kind; and

(2) by interrogatory, the furnishing under oath of such information as it deems necessary to such inquiry or investigation.

(b) A subpena for the taking of a deposition or the production of things may be returnable at such places and times as the committee may direct.

(c) The authority conferred on the committee by subsections (a) and (b) of this section may be exercised—

(1) by the chairman and the ranking minority member acting jointly, or, if either declines to or is unable to act, by the other acting alone, except that in the event either so declines or is unable to act, either

shall have the right to refer to the committee for decision the question whether such authority shall be so exercised, and the committee shall be convened as soon as practicable to render that decision; or

(2) by the committee acting as a whole.

(d) Subpenas and interrogatories authorized under this section may be issued over the signature of the chairman, or ranking minority member, or any member designated by either of them. A subpena may be served by any person designated by either of them and may be served either within or without the United States.

(e) Any member of the committee or any other person authorized by law to administer oaths may administer oaths pursuant to this resolution.

(f) All testimony taken by deposition or things produced by deposition or otherwise, or information furnished by interrogatory pursuant to this section, other than at a hearing, shall be deemed to have been taken, produced, or furnished in executive session.

SEC. 5. For the purpose of conducting any inquiry or investigation pursuant to this resolution, the committee is authorized to sit and act, without regard to clause 2(m) of rule XI of the Rules of the House of Representatives, at such times and places within the United States, whether the

House is meeting, has recessed, or has adjourned, and to hold such hearings at its deems necessary.

SEC. 6. The committee is authorized to seek to participate and to participate, by special counsel appointed by the committee, on behalf of the committee and the House of Representatives in any judicial proceeding concerning or relating in any way to any inquiry or investigation conducted pursuant to this resolution, including proceedings to enforce a subpena.

SEC. 7. The authority conferred by this resolution is in addition to, and not in lieu of, the authority conferred upon the committee by the Rules of the House of Representatives. In conducting any inquiry or investigation pursuant to this resolution, the committee is authorized to adopt special rules of procedure as may be appropriate.

EXHIBIT 2

U.S. Department of Justice

Criminal Division

OCT 11 1983

Assistant Attorney General

Washington, D.C. 20530

OCTOBER 7, 1983

Honorable Louis Stokes
Chairman
Committee on Standards of
Official Conduct
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This letter relates to the referral to the Department of Justice from seven Members of Congress* concerning alleged improper alterations of transcripts relating to joint hearings held by various Subcommittees of House Committees on July 21 and 22, 1982. We understand that these allegations, involving an official House document, entitled "EPA Oversight: One-Year Review"--also identified as Serial No. 97-199 of the Committee on Energy and Commerce and Serial No. 168 of the Committee on Science and Technology--have been the subject of an extensive investigation by your Committee. We also understand that your Committee may have received written statements and sworn testimony from Lester O. Brown, a former staff member of the Energy, Environment, and Natural Resources Subcommittee of the House Government Operations Subcommittee, indicating that Mr. Brown was responsible for having made unauthorized changes to the original transcript.

An investigation of this matter is currently being conducted by the Public Integrity Section of the Criminal Division. You may be aware that the Federal Bureau of Investigation has recently interviewed individuals believed to possess relevant information. It is apparent that information already obtained by your Committee would greatly facilitate the Department's investigation of these serious allegations. In order to assess the extent of unauthorized modifications for which Mr. Brown has acknowledged responsibility, we are most immediately interested in obtaining any statement or other information provided to the Committee by Mr. Brown or his attorney. In addition, we understand that your Committee has acquired other significant materials, including notes and photocopies of materials prepared by Congressional staff members in connection with authorized changes made to the original transcripts, which would assist us in this investigation. Finally, we would appreciate the opportunity to review statements provided to the Committee by witnesses and any other materials which you deem pertinent.

---

*Larry Winn, Jr., Robert S. Walker, William Carney, John Hiler, F. James Sensenbrenner, Jr., Judd Gregg, and Claudine Schneider.

It is impossible to overemphasize the need for your cooperation in this important investigation. If you have any questions concerning this matter, please contact Joseph E. Gangloff of the Public Integrity Section, the attorney handling this case, at 724-7064. Of course, you may contact me directly.

We look forward to your cooperation.

Sincerely,

Stephen S. Trott
Assistant Attorney General
Criminal Division

By:
John C. Keeney
Deputy Assistant Attorney General
Criminal Division

RECEIVED
1983 OCT 11 PM 2:08
COMMITTEE ON
STANDARDS OF OFFICIAL CONDUCT

EXHIBIT 3

U.S. House of Representatives
COMMITTEE ON STANDARDS OF
OFFICIAL CONDUCT
Washington, D.C. 20515

September 16, 1983

Dear Colleague:

As you know, House Resolution 254 authorizes and directs the Committee on Standards of Official Conduct to investigate alleged improper alterations of House documents. The Resolution also directs the Committee to report to the House any recommendations it deems appropriate to prevent such actions. To this end, the Committee seeks the advice and suggestions of Members regarding the procedures by which the official records of the House are edited and published.

Therefore, if you wish to offer suggestions with respect to existing or proposed procedures affecting the editing and publishing of House documents, the Committee would be pleased to receive them.

So that the Committee can expeditiously review and analyze such advice and set a hearing schedule, we ask that you notify the Committee within seven days of your intention to respond on the matter.

Sincerely,

Louis Stokes
Chairman

Floyd Spence
Ranking Minority Member

EXHIBIT 4

Page 1 of 2

INTERROGATORIES

1. Have you, or to your knowledge, has a member of either your clerk-hire staff or a committee or subcommittee staff, ever noted or brought to your attention any unauthorized changes to testimony or statements you have made either as a witness before or as a member of, a congressional committee or subcommittee? Yes ____ No ____

If yes, please detail who noted the changes, when and where they occurred, and how they were identified. (Attach additional sheets if necessary.)

2. Have you, or to your knowledge, has a member of either your clerk-hire staff or a committee or subcommittee staff, ever noted or brought to your attention any unauthorized changes to statements other Members of Congress have made on the floor of the House of Representatives? Yes ____ No ____

If yes, please detail who noted the changes, when and where they occurred and how they were identified. (Attach additional sheets if necessary.)

3. Have you, or to your knowledge, has a member of either your clerk-hire staff or a committee or subcommittee staff, ever noted or brought to your attention any unauthorized changes to statements other Members of Congress or witnesses have made either as a witness before or as a member of a congressional committee or subcommittee? Yes ____ No ____

If yes, please detail who noted the changes, when and where they occurred, and how they were identified. (Attach additional sheets if necessary.)

4. Have you, or to your knowledge, has a member of either your clerk-hire staff or a committee or subcommittee staff, ever noted or brought to your attention any unauthorized changes to statements you have made on the floor of the House of Representatives? Yes ____ No ____

If yes, please detail who noted the changes, when and where they occurred, and how they were identified. (Attach additional sheets if necessary.)

---

5. Do you have any information regarding any unauthorized alterations to official proceedings of the House of Representatives?

6. Does someone you know have, or claim to have (now or in the past), any information regarding any unauthorized alterations to official proceedings of the House of Representatives?

CERTIFICATION

I, ______________________________ certify to the House Committee on Standards of Official Conduct, pursuant to its investigation under House Resolution 254, that the foregoing is true and correct.

Executed on ____________________

____
Signature

THIS INTERROGATORY IS TO BE COMPLETED AND RETURNED TO THE HOUSE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, ROOM 2360 RAYBURN HOUSE OFFICE BUILDING, NOT LATER THAN SEPTEMBER 15, 1983.

EXHIBIT 5

Page 1 of 1

INTERROGATORIES

1. Have you, or to your knowledge, has a Member of Congress, or an individual working on a congressional, committee, or subcommittee staff, ever noted or brought to your attention any unauthorized changes to statements made by you, a Member of Congress, or a witness, during any official proceeding of the House of Representatives? Yes ___ No ___

If yes, please detail who noted the changes, when and where they occurred, and how they were identified. (Attached additional sheets if necessary.)

2. Do you have any information regarding any unauthorized alterations to official proceedings of the House of Representatives?

3. Does someone you know have, or claim to have (now or in the past), any information regarding any unauthorized alterations to official proceedings of the House of Representatives?

EXHIBIT 6

HOUSE RESOLUTION 254

WEDNESDAY, NOVEMBER 9, 1983

House of Representatives,
Committee on Standards of Official Conduct,
Washington, D.C.

The committee met, at 10:25, in room 2359-A, Rayburn House Office Building, Hon. Louis Stokes (chairman of the committee) presiding.

Present: Representatives Stokes, Spence, Rahall, Myers, Dixon, Forsythe, Fazio, Brown, and Coyne.

Staff present: John M. Swanner, staff director; Jan Loughry, secretary; Ralph L. Lotkin, chief counsel, altered transcript investigation; Richard J. Powers, chief investigator, altered transcript investigation.

The Chairman. The committee will come to order.

The Chair at this time would make a preliminary statement. Since June 30 of this year, the Committee on Standards of Official Conduct has been engaged in a wide-ranging and intensive investigation of allegations that improper alterations were made to House documents. The investigation, authorized and directed by House Resolution 254, has embraced all aspects of the process and procedure by which the official documents of the House are issued.

The investigation has been conducted in essentially a two-tiered way. First, it focused narrowly on all allegations of improper alterations to House documents. And, second, it focused broadly on the process and procedures resulting in the official documents of the House.

On September 14 and 16, the committee invited interested members, staff, and others to offer advice, comments, or suggestions regarding the editing and printing process. The September 14 and 16 invitations were followed by letters to all members indicating that the committee would receive testimony on the matter.

Today's hearing represents the culmination of nearly 4 months of investigation and analysis pursuant to House Resolution 254. On behalf of the committee I would like to thank all of those individuals who responded to our call for comments and suggestions. The committee will include, as part of the record of today's hearing, the written responses and statements for the record it has received. [See material at end of hearing.]

I would also like to thank, in advance, those members and staff who are offering advice and comments at today's hearing for their interest and concern over the integrity of the process by which official House documents are published.

The Chair now welcomes both Representative Robert S. Walker and also Mr. Judd Gregg, our colleague. At this time Mr. Gregg and Mr. Walker, you may proceed in any way that you like.

STATEMENT OF HON. JUDD GREGG, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW HAMPSHIRE

Mr. GREGG. Thank you, Mr. Chairman, and I appreciate the opportunity to come before your committee, and I appreciate the diligence with which your committee has sought to review the questions raised and issues presented by House Resolution 254. I will be very brief, because what I really want to do is get on record on some of the issues which I hope that you have had a chance to address, and you may well have addressed most of them already.

As you mentioned, there is a two-tier issue here. As to the first tier, there are a number of questions which I think have to be addressed, and some to them you have addressed, the first tier being the alterations of comments made by myself and six or seven other members of our committee and the Science Committee, and the Commerce and Energy Committee during the EPA oversight hearings.

The questions which arise out of those changes are, first, obviously, who made them, and that is clearly the intent of your investigation.

Second, whether or not prior to those changes being made, there were Members of Congress who were aware that there was an attempt being made to change those, and whether or not after the changes had been made, Members of Congress were aware that those changes had been made, and took no remedial actions as a result of their knowledge.

Third, whether or not the changes were made as part of a group decision or whether they were made by an individual. Obviously, one individual has resigned over this issue. Did that person act by himself; was that person the prime modus operandi for this instance, or were there other individuals involved in making the decision to make the changes or participating in the decision to make the changes.

And collateral to that issue, after the changes were made, did members of the staffs of the three committees involved become aware of those changes having been made but took no remedial action and did not notify either the members whose remarks were changed or any other person of a high position of authority that the changes had occurred; so was there sort of an accomplis after the fact, accomplis prior to the fact situation here.

And was there a purpose behind the changes. Was there an intent. Were they done for the purpose of creating an atmosphere in which the members whose remarks were changed were going to be perceived as being incompetent or foolish or unprepared for their remarks, or were they done out of simply some sort of frivolous intent that wasn't tied to a larger purpose of attacking basically an entire group of members.

Those, I think, are the specific questions which I hope this committee will address and answer, and be able to answer through its investigation relative to the specific instance of the changes that grew out of the EPA hearing.

On a much higher plane, I think that we as a Congress have to address the attitude which seems to have arisen amongst staff, throughout the Congress in many areas, that the procedure of preparing the business of Congress is subject to their whim and to their actions unilaterally taken. Obviously there have been a number of allegations made over the last few months that there were other occurrences where changes occurred in transcripts, or changes occurred in report language, which were unauthorized and which were done unilaterally by somebody who was not participating in the process as an active member or witness, and it seems to me that if this committee is going to fulfill the charge under House Resolution 254, there has to be a chronicle of the various instances where these allegations have been made, and a specific investigation of each one of these instances, to determine just how widespread, if at all, this practice of arbitrary and unilateral changing of statements by members or witnesses is.

The charge to this committee is obviously a very serious one and I know is taken very seriously, but from my perspective it is probably raised at a higher level than maybe other members are aware of, because I think that it is critical, as a member whose comments have been changed, that we have as an institution the confidence of the public, and the confidence of the public depends, of course, on the public's ability to perceive that what we say is what we mean, and the way we say it is being reported accurately as we wish it to be.

The failure that has occurred here has been a failure which calls into question the entire legislative history not only of the subcommittee which I was serving on at the time, but of all committees. Anyone who now wishes to make a specious comment about the U.S. Congress can point to this instance as an instance where the Congress legislative history was inaccurate and was abused, and if we are going to maintain the credibility and the integrity of our legislative history, it is going to be really up to this committee to make it clear that all the various occurrences that have been alleged have been investigated and fully looked into, so that no one in an arbitrary manner can point to the record of the Congress and say that that record is not one that is kept accurately and within the confines of how we structure our procedures.

That is why your report is absolutely essential, in my opinion, to restoring and reinforcing our process as an institution. Thus I would just once again like to commend you for undertaking this task, but to ask you to be sure that you not limit the scope of your investigation, and that you do respond to the various issues and questions which I have tried to point out.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Mr. Gregg. We would certainly like to thank you for your testimony here this morning. The Chair would also note that we have now been joined by the gentleman from Indiana, Mr. Hiler.

Mr. Walker, do you want to proceed at this time? You may present your statement in any way you so desire.

STATEMENT OF HON. ROBERT S. WALKER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF PENNSYLVANIA

Mr. **Walker**. Thank you, Mr. Chairman.

Mr. Chairman, I deeply appreciate this opportunity to testify. As a member who is directly affected by transcript alteration, I feel an obligation to my constituents, to my colleagues in the House, and to myself, to come before you and to urge the most thorough investigation possible be pursued so that this reprehensible episode can be brought to a satisfactory conclusion.

Mr. Chairman, the issue here is more serious than an effort to embarrass any individual Member of Congress. The subcommittee involved, the full committees, and the House of Representatives have been insulted. This institution is one of tradition, of precedent, and of pride. The historical record that we establish every day in the work that we do can be awesome in its magnitude. It can be quite ordinary and it can be quite dull, but it should always be honest.

That is central to the keeping of the people's faith, and, after all, this is the people's house. In application and government, Mr. Chairman, our word is our currency. Someone, somewhere, decided to steal our currency and to counterfeit it. I urge the Committee on Standards of Official Conduct to help us get to the bottom of this matter and thus to restore value to our words and deeds.

This case is one that has gone to the very core of the integrity of this institution which we all love and serve. The problem of unauthorized alterations, and any proposed solution to that problem, are issues which affect each and every Member of the House.

When an alert counsel with the Committee on Science and Technology first noticed that there had been changes in the published version of the EPA hearings of last year and brought them to my attention I must say that my first reaction was to ask, "How could that happen? Who would dare do such a thing?" But we now know that it did happen and that there obviously was someone who dared to do just exactly that.

There is a particularly insidious threat to every Member of this great body in this incident since we all live, and die, by our words. It is a fundamental part of our profession to take public stands on dozens of issues each and every week. What we say on the floor of the House, or in our committee meetings, is properly a matter of public record. Over the course of each Congress we create a fabric of stands on a wide range of problems and legislative issues. And each of us knows that those stands are available to the public in the Congressional Record and in the printed records of our committee proceedings.

There have been far too many things going on within the Congress for a Member to have the time to read each and every document published each year, and we have always counted on the efforts of the staff to insure that the records were correct. Within the institution of the Congress we have been blessed with an extraordinarily dedicated and competent group of highly professional staff people who carry a heavy burden in doing all of the behind-the-scenes work which is necessary to make the legislative branch work.

I first came to Capitol Hill as a member of the staff, and I have many, many examples of professionalism firsthand. And I will say that that professionalism exists on both sides of the aisle. Just as I have learned that Members can strongly disagree on certain issues and still work cooperatively within the rules, I have also seen many examples of majority and minority staff maintaining a highly professional relationship while still representing totally different points of view.

But this case represents the terrible damage that can happen when a single bad apple gets into the barrel. While the results of your investigation have not yet been made public, I surmise that in the matter of the alterations in the EPA hearings record that we are dealing with a single perpetrator who acted, for whatever reason, entirely on his own. I have no doubt that virtually every Member of Congress, regardless of party affiliation, condemns those actions and would be willing to take steps to insure that they never happen again.

The House directed that this committee undertake an investigation and make recommendations on the matter. I congratulate each of you, and your staff, for what has obviously been a very diligent effort. I must say that from the moment that these alterations were first discovered my suspicions were focused on the individual who has now admitted to making the unauthorized changes.

My fear was that all of the evidence had been destroyed and that it would be impossible to provide a case against the guilty party. The fact that you were able to gather sufficient evidence to convince the perpetrator to admit his guilt and submit a resignation is a major accomplishment and I think that it shows remarkable diligence and professionalism on the part of the investigative staff of this committee.

I understand that in the very near future you will report back to the House on the results of your investigation. I expect that you will have suggestions for changes int he House rules to lessen the possibility of such occurrences in the future. I think such changes are needed, and I supported the change in the rules of the Committee on Science and Technology that now requires that all of our proceedings on that committee be printed in a verbatim transcription.

But I think there is still a major problem which must be addressed. I am not a lawyer. I do not claim to be an expert on the law. But during our discussion of this matter on the Science Committee it was suggested by Mr. Reid of Nevada, who is a distinguished attorney, that these alterations appeared to constitute criminal acts.

It appears to me that there are at least several of these unauthorized alterations which constitute violations of the United States Code. I am also concerned that because of these alterations the entire printing of the EPA hearings record had to be reprinted. Based upon the approximate cost of producing each page of the Congressional Record, it has been estimated that the cost to the taxpayer for that reprinting could well be in excess of $75,000.

Further, as a result of those unauthorized alterations, we have had the costs of this committee's investigation, and the costs of producing your record and the report on this matter, the costs of the proceedings of the House of Representatives on the day when the resolution was adopted, and again on the day when the report is considered. Those costs will undoubtedly far exceed the cost of reprinting the entire original report.

There are some who have viewed this as some kind of minor transgression, or as some kind of bad practical joke. But, in reality, whatever the intent, it has cost the taxpayers of this country tens of thousands of dollars if not hundreds of thousands. And that is neither minor, nor is it a joke on the American taxpayer.

Because of the seriousness of this action, I and a number of other Members requested the Attorney General of the United States to make an investigation to determine if there were grounds for criminal action against the person, or persons, responsible for the unauthorized alterations, and also to determine if the Government could proceed in some manner to recover the costs associated with those actions.

I feel very strongly that if we had a situation in which some Government employee had defrauded the United States out of that kind of money, or if we knew that some employee had filed false claims against the Government for tens of thousands of dollars, we would immediately move to insure that the funds were recovered, and that the individual was prosecuted to the fullest extent of the law.

But I understand that there may be some problem in any prosecution in this case because of the fact that all of the individuals involved in this matter have turned over to this committee all of the materials which they had concerning the unauthorized alterations. As a result, this committee now has virtually all of the evidence which would be required for a successful prosecution.

Under the rules of this House this committee only has jurisdiction over the actions of current Members, officers, and employees of the House. It appears that because the individual who has been identified in the newspapers as the responsible party is no longer an employee of the House that this committee has no jurisdiction over him.

Now it is possible that this individual may escape the consequences of his acitons because his employmnent was terminated. I think that this would be a tragic ending to an episode which has shaken public faith and public confidence in this honorable institution. No matter what the final result of this investigation may be, and no matter what changes the House determines should be made in the rules of the House to safeguard us in the future, I feel very strongly that any individual who so outrageously abuses the trust of this House should face the full consequences of his or her actions.

Therefore, I am here today to request this committee to make available to the Department of Justice any and all materials in the committee files which would be germane to their investigation into the possible criminal prosecution, or a civil action for recovery, in this matter.

I know that there are some who have indicated they see constitional issues involved here. As I indicated earlier, I am not a lawyer, but it does not take a constititional scholar to see that these arguments cannot be supported. The first argument, I have been told, is based upon the speech and debate clause of the Constitution. That clause is a protection for individual Members of Congress to insure that they will be free to engage in full and open debate on controversial issues.

How can anyone possibly attempt to claim that the protection which belongs to each individual Member to speak freely can be twisted in some way to protect some staff member who acts to change what the Member of Congress actually said?

The second constitutional issue revolves around the separation of powers clause. This is an issue which is not so lightly dismissed. It is one which many Members of Congress can understand and feel strongly about. But it is one that I think is not applicable in this particular case. Normally, I would feel that the executive branch of Government has no business questioning any Member of Congress, or any of our officers and staff members for the performance of their official duties. But that is not the case here.

I cannot believe that any Member of Congress would possibly argue that altering another Member's words so as to discredit him is possibly within the official duties of anyone within the legislative branch. There is no way that I can possibly see that these actions can be defended, or protected, as proper performance of duties within the scope of the individual's employment by the legislative branch.

What we have here is clearly an independent act, or a series of acts, which were undertaken by an individual, with no possible coloration of acting within the scope of his duties. We would not allow some staff member to commit murder, or to sell defense secrets, or to do any other criminal acts within these halls with impunity, so why should we suddenly find some reason to cloak this person, or persons, with some form of congressional immunity?

I see this entire episode as an assault upon the honor of the House and upon the honor of the individual Members of Congress who were wronged. We must send a message to each and every person who is selected to serve this great institution that the standards for service here are very high, that the ethical standard against which each Member of Congress, each officer of the House or Representatives, and each individual on the staff is measured is strict and unyielding.

We have all seen episodes in recent years in which Members and staff people who did not meet those high standards have brought disgrace upon this House. In those cases there has been no question that the actions for which they were tried and convicted were clearly outside the scope of the constitutional protections. I submit to you today that there is no difference in the present case.

There are thousands of decent people who serve this institution who are shamed and disgraced that these kinds of things have happened. There are people on the staff who have devoted a lifetime to serving the Congress and who have never dreamed that this type of thing would ever happen. Those faithful individuals deserve to know that when someone who is dishonest, someone who is unethical, someone who does not understand honor, brings shame down upon the institution by acts which breach that high ethical standard that there is no question that those reprehensible individuals will have to live with the full legal consequences of those actions.

Mr. Chairman, members of the committee, I urge you to make all of the relevant materials in your files available to the Department of Justice so that we may see this disgrace go beyond the report which you issue and brought to a fitting and proper conclusion in the courts.

Thank you, Mr. Chairman.

The **Chairman**. Thank you, Mr. Walker, for your presentation, very thoughtful presentation, and the suggestions, recommendations which you have made here to us this morning.

At the conclusion of the gentleman from Indiana's testimony we will permit the panel to pose questions to the two of you, if they have any.

The Chair now recognizes Mr. Hiler.

STATEMENT OF HON. JOHN HILER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF INDIANA

Mr. **Hiler**. Thank you, Mr. Chairman.

Mr. Chairman, first of all let me extend my appreciation to you and the other distinguished members of this panel for permitting my this opportunity to discuss the serious issue of the deliberate and illegal alterations of official transcripts. As you know, I am one of several Members whose statements at a joint committee hearing last year were changed.

Mr. Chairman, the altering of official documents shakes the foundation upon which our Government was founded. It casts a dark cloud over our ability to deliberate the serious issues which affect this Nation in a truthful, open, and honest way. For us to reduce this matter to an issue of partisanship would not only be deceiving, it would be wrong.

This is why several of my colleagues and I feel strongly that the perpetrators of these alterations should be prosecuted to the fullest extent of the law. A mere resignation in no way will deter others from perhaps committing changes that cripple the legislative process and affect the way each of us elected to serve in the House work with each other.

The investigation we sought and obtained by the Justice Department was not for the purpose of challenging or hindering the ability of this committee. Far from it. We sought the independent investigation because it is our view that if the offending person or persons committed a criminal act, they should not go unpunished. To do otherwise, in my view, would make mockery of the law and the legislative process.

Mr. Chairman, it is my hope and recommendation to you that this committee, in its final report to the House, recognize the very serious nature of these alterations and fully punish those responsible. We must deter such acts from happening again. If we fail to punish to the fullest extent of the law, we would question, in my view, our resolve to conduct the business of this House in a truthful, honest, and open way, the hallmark of our legislative process and example to the world.

The nature of the changes themselves are not earth shattering, but for the committee to weigh the seriousness of the changes in their report to the House would be a tragic mistake. The issue here is one of integrity. The integrity of our governmental process has been wounded by these alterations. The only way to heal the process is to make sure that it never happens again.

I think that there are several specific kinds of actions which I believe we as a Congress need to take. It may or may not be in the purview of this particular committee, but it seems to me that the entire revise-and-extend privilege which we have a Members, both on the floor and in committee, needs to be reviewed. If that is in the purview of this committee, so be it, but I think that a specific study of the way we conduct our revise-and-extend privilege needs to be tackled, and I think we also need to review the procedure that is used to get a transcript to the final print.

Every committee does it a little bit differently, it is my understanding, and I think that we should have a full overview of the way that process is handled. I think that we must do everything possible to hinder the ability of any unauthorized changes to take place, and while the committee is looking into who perpetrated this particular changed [sic], I think we need to have that overview of the entire process.

And third, I might add, as the gentleman from Pennsylvania said, there are literally thousands of honest, decent, hardworking, loyal, dedicated staff people on the Hill, and I think it is unfortunate that this particular episode calls into question the people that we, as Members, depend on to get a lot of the day-to-day work done, but I think it is true that staff members tend to reflect the attitudes of the Members they work for.

I think that part of the report that you all put out should include a warning to us as Members that statements we may make or the intensity that we share also is shared by the staff, and sometimes in an exuberance to perform well for their Members they may do things that are both unethical and illegal, and I think that a warning should go to Members that we need to be cognizant of that, and that we need to insure that the people that work for us individually know that there are certain bounds and certain restraints with which we all operate under.

Mr. Chairman, with that, I finish my testimony.

The CHAIRMAN. Thank you very much, Mr. Hiler. Let me on behalf of the committee thank you for taking time out of your schedule and coming here this morning and giving us the benefit of the presentation that you have made. Both of you gentlemen along with Mr. Gregg, who was here earlier, have certainly been very helpful by the presentations that you have made here this morning.

The Chair will operate under the 5-minute rule. Mr. Rahall.

Mr. RAHALL. I have no questions, Mr. Chairman.

The CHAIRMAN. Mr. Spence.

Mr. SPENCE. Thank you, Mr. Chairman. Not exactly a question, just maybe a comment. As was indicated, Mr. Walker, in your statement, as you know, Mr. Hiler, the person responsible has admitted his guilt and resigned. Do you know of anything further we can do to that person, other than what the Justice Department might do in a criminal sense? And it has been referred to them already.

Mr. **Hiler**. Let me say that a person has resigned. It is up to you all to say whether that person was responsible, and it is up to the Justice Department to determine if there was criminal activity, and I hope that in my statement I didn't pin it on a particular individual, because I by no means intended to do that.

It is in my estimation that a criminal action has taken place, and I think that action needs to be prosecuted, and I think whatever this committee can do in assisting the Justice Department, who does have responsibility for prosecution of cases like this, I think we need to do that, and I know Bob has mentioned the separations of power issue, and of course it is a very, very important issue.

But if an individual can commit a criminal activity, and basically escape by resignation, where there is a clear-cut criminal activity having taken place, I think we really wound the process, and admittedly sometimes that is going to hurt. I mean, as I say, I don't think this is a partisan issue. I think it is an institutional issue, and——

Mr. **Spence**. I understand what you mean. I just wanted to make the point, of course, that we only have limited jurisdiction, the Justice Department has additional jurisdiction, and sometimes we are confronted with this situation, and of course the added problem, as has been brought out with the speech and debate and all the problems we have involved with the different branches of Government which affect a lot of Members, not just involved in this particular incident right here, but, well, for the future, the dealings with the different branches of Government, and the sanctity of what is said in speech and debate in this House that we are so protective of.

Mr. **Walker**. In my statement I indicated that the individual that has been referred to is simply a case of the newspaper reports identifying a particular individual who has resigned, and you know it is our assumption that in large part that came out of the diligence of the work of this committee. Whether or not it goes beyond that, of course, we won't know until you are prepared to issue your report, and we will look forward to that.

There are two things, I think, one that I highlighted in my statement, and that is that I would hope that the committee would, insofar as is possible, cooperate with the Justice Department investigation by turning over the files. Obviously, those files consist of the whole case, and the Justice Department cannot proceed unless those files do become a part of their investigation.

Second, it would be my hope that in your report, that there would be an indication that there may be possible criminal activity involved. If that is what you find that would also indicate beyond the bounds of this body, namely, into the executive branch, that this committee's findings are such that you find that there may be an involvement of criminal activity that is beyond the scope of the committee, but not beyond the scope of legal action taken against individuals who are responsible for that kind of activity.

Mr. **Spence**. That is all I have, Mr. Chairman.

The **Chairman**. Mr. Dixon.

Mr. **Dixon**. Congressman Walker, you and I are obviously on different ends of the political spectrum, and I would like to join the chairman in congratulating you on your fine testimony, with the exception of your request here to turn over to Justice, which I would like to reserve on, and it is obviously an issue that the committee will discuss.

I wholeheartedly concur with every word that you uttered here this morning. It is one of the few times that I think we can both agree, Bob, on an issue. Thank you very much.

Mr. **Walker**. Well, I thank you, and, as I indicated, it has been my experience that a wide variety of Members are deeply concerned about the issue that we are involved with here, and I thank you very much for your statement.

Mr. **Dixon**. I think you are absolutely correct on this issue.

The **Chairman**. Mr. Myers.

Mr. **Myers**. Thank you, Mr. Chairman.

I might add to my colleague the differences between individuals isn't always political. The gentleman from Pennsylvania and I have disagreed. We sit on the same side of the political aisle, but we have had disagreements. I, too, join my colleagues in thanking both of you, and all three of you, for your testimony this morning.

As is obvious from your testimony and the experience we have had, we have a very difficult problem here, and a very sensitive one, and one that has some definite legal questions that I am not sure this committee can even answer in all of its wisdom. Maybe not. It is a very serious problem that we are confronted with, and the questions you raise, Bob, are serious ones.

I am not sure about the constitutional question. In fact, I would have to reverse your analogy somewhat. I think the constitutional rights of Members of Congress, for that experience that is protected by the Constitution, has been denied by the actions or action that has taken place here in the changing of the records. I think the constitutional rights of the member have been denied, so I think there is a question here, but I think it comes down to what our responsibility is now. It is obvious, since the one now confessed perpetrator of some of this changing of records, if not all of it, has been terminated, so he is outside the jurisdiction of this committee and the Congress.

However, the testimony, the records, all the evidence is in the hands of this committee, and I think it does raise a very serious problem what action we should take, and I see somewhat an analogy with—and I hate to bring this word up—Watergate, where it was just somewhat the reverse.

The Executive had all the evidence, and we demanded that it be turned over to the Congress, and rightfully so, because we had some concern about this. Now it is just the reverse. We are holding all the evidence, and if it is criminal—and I am not sure it is, and I don't think it is probably in the jurisdicition of this committee to decide whether the action was criminal.

But in the event, we cannot make that decision today, because the jurisdiction no longer lies with us, so it has to be placed with someone else, and I think the evidence from what I can see here, I think it is a serious question that this committee is going to have to decide: Do we turn the evidence over to someone who does have the responsibility of deciding whether it is criminal or not.

To me it is a very serious problem that has been taken here. If it is criminal, we cannot, we must not withhold that evidence. If we are, we are just as guilty as those who tried to protect or insulate or deny Congress the right to have the access to the Watergate testimony.

Mr. WALKER. You make an excellent point. The problem with raising speech and debate in this context is the fact that it would be a real perversion of speech and debate to suggest that any member's words could be changed at any time, and there is no way of getting to the person who makes those kinds of changes. I mean, that would be a terrible perversion.

That would in fact, as you say, deny the constitutional rights of members to be assured that their speech and debate was protected, but also assure that a mere resignation would allow the person to escape any kind of penalty for such actions, and that the executive branch, through the Justice Department, would have no recourse in such a matter. That would be, I think, a destruction of the very principle upon which that constitutional phrase was predicated.

Mr. MYERS. Well, the question today isn't whether we punish the person that has already confessed. I think the precedence is most important here. Possibly that person has received enough punishment. I can't decide that today, and should not, but in any event the precedence is the important thing here.

I don't think that this committee, personally, and the Congress, can be in a position of withholding the only evidence available to someone else who should make the decision whether it is criminal or not. I think we do have a definite responsibility.

Mr. WALKER. That is the fundamental point. I thank you.

Mr. MYERS. We thank you for your testimony. It is a difficult question this committee is going to have to decide.

Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Fazio?

Mr. FAZIO. Thank you, Mr. Chairman. I too would like to join in the plaudits that have been addressed to you gentlemen for your efforts.

I must confess initially I was somewhat skeptical. I thought perhaps there might be a purely partisan intent in what might end up being a witch hunt. I think I have been reassured by the seriousness with which you have addressed the matters and the way you presented them both here and on the floor, and I think out of this will come, I hope, some real good for the institution, and it may be beyond the purview of this committee, but I would like to hear from both of you, if you would like to comment, on how you feel about the issue of a verbatim transcript versus the concept that some committees are already using, which tightly control the original transcript of debate, and which provide the mechanism by which we can be assured that this sort of thing will not occur.

There are two approaches, obviously, to the ultimate protection that the institution and the members need. I am wondering if you could express your views on those.

Mr. WALKER. I personally favor verbatim transcripts in committee and a verbatim Congressional Record, and I realize that that carries with it some problems. Punctuation and all kinds of things can enter into the matter and it carries with it some penalties. But other legislative branches in other countries and even in the United States manage to do it, and I think we probably could too. And I think that the penalties associated with verbatim are far less over the long run than the penalties that are associated with the present rather loose, revise and extend privilege, so much of what goes on in this body is subject to the interpretation of people outside this body, once we are finished with our actions.

Right now the revise and extend privilege is permitting that interpretation to be characterized in ways different from what the debate would have shown and I think that is a problem.

I might also say that one thing that bothers me at the present time is that on the House floor, and to some extent in committee meetings, we have two different transcripts. We have a verbatim transcript and then a revised and extended transcript.

The verbatim transcript is in the video tapes that are done. The revise and extend is in the printed word. When those two don't agree, it is somewhat embarrassing for this body and I think it ultimately reflects on the trust that this body can expect from the American people when we find discrepancies between those two. And so I think, given the fact that we have decided to have open coverage of the House of Representatives, and open coverage of committee meetings, that we ought to now go to the next step and make certain that the official documents that come out of those sessions are also verbatim.

Mr. Hiler. I have no particular problem with severely limiting the revise and extend clause. I notice that there are times when I go over my remarks from the transcripts that there will be what I would call technical inaccuracies, and I think that is always going to happen, and I think that you have got to have the ability to take care of technical inaccuracies somehow.

I think in terms of the number of times when remarks are added into the Record or things are added in, as if they had been spoken, it seems to me that that could be handled by putting it at the end of the official Record with clearcut remarks that these things were not spoken, that they were added into the Record.

I think that could happen on the floor as well. It is sometimes amazing when you look at or you have heard what has been said on the floor, and then you read the printed transcript, the printed Record, and it may be significantly different, and it seems to me that the ability to add things into the Record under revise and extend is all right, but that should be clearly marked when something is different than what was spoken.

And so we might have said besides what was spoken and what was added.

Whatever we do, the process is not going to work as easily as it has worked in the past because certainly the process has worked for the convenience of the members, not necessarily for the convenience of history.

Mr. Fazio. Apparently the committees are left to their own devices in this area. Each develops its own procedures and rules.

Would you advocate an across-the-board kind of approach to standardizing the way committees deal with their own records?

Mr. **Hiler**. I would advocate that. I think that the procedures that are used both in terms of revise and extend and the procedures that are used to get a transcript to a printed form should be standard.

I think one of the difficulties that you gentlemen may have had in this process, and certainly in the initial stages when we were trying to look at it was the complete lack of information on how the process even takes place, and it was different in Energy and Commerce than it was in Government Operations, than it was in Science and Technology, and I think that that is a process that ought to be standardized, and, frankly, if you severely limit the revise and extend, it would probably make that much easier.

Mr. **Walker**. Let me say in that regard, I think it is particularly necessary that some kind of standardization be implemented if we are going to have joint hearings of the type this EPA hearing was.

One of the problems that grew out of this EPA hearing was the fact that you had three different committees involved, all with a little different way of operating. And it was a highly partisan kind of meeting that had tempers flaring on all sides. And the bottom line was that you had staffs then that were not used to working with each other. That, I think, helped even aggravate the situation further. And so some standardization of procedures, whenever you are going to have such joint hearings, appears almost necessary for the smooth working of the body.

Mr. **Fazio**. Thank you very much.

The **Chairman**. Mr. Forsythe.

Mr. **Forsythe**. Thank you, Mr. Chairman.

I too join in the commendation for our three witnesses this morning. I think it is very helpful.

On this revise and extend, and again I am not sure that this is in our jursidiction, but we have gotten into conversation—I am not sure that what we do now in the House where we do have a verbatim, not only sound, but sight, and still revise and extend, of course, is used, doesn't give the protection that is of concern as to whether there is a substantive alteration in what does transpire, and maybe that is what is needed at the committee level, as it is used by many of our reporters at the committee level, and would again give that assurance that if there is monkey business, there is a record to clearly be able to deal with it because I think if you go too hard on limiting this revise and extend, it is going to procedurally give us some problems just in the time involved because very frequently—and I use it myself—you will have a written statement and summarize it very briefly verbally.

Now, if you read one and hear the other, it is obvious there is a broad difference, but if it is not something that is controversial or substantive changes, I think it does expedite very much.

I think it is something that we must look at very carefully.

I would also, and Mr. Hiler had brought out some specifics, as does the testimony of our colleague, Mr. Durbin, whose testimony is here although he is not, in terms of some other procedural matters, that I think we are going to take more study, if this committee does have jurisdiction, and I think since we initially have it, we should at least be the one that transmits it rather than let it die with this committee on that basis.

That we may want to get out the report on this phase now without going into the more long-range matters that have been suggested, and I hope that doesn't bother you in this process.

[See material at end of hearing.]

Mr. **Hiler**. Will the gentleman yield at that point?

For my own, and I am sure it is probably the case for the others, I think that the importance of the first report is to edify the specific problem that occurred. I think the solutions, I would hope that the solutions, particularly if it involves a significant recommendation to change the revise and extend clause should only be done after serious study and it may not be the Ethics Committee's jurisdiction to do that.

It may take a select committee to meet for a year to review some of this, and I personally have no problem with that.

I think the report, if it can edify what happened in this particular case, that will certainly have made me feel a heck of a lot better.

Mr. **Walker**. The only caveat I would put on that is that I think that it might be well to do it in timely enough fashion that we could have something, some kind of recommendation before the next Congress convenes, so that any rules changes that would be necessary could take place at the convening of the next term of Congress.

Mr. **Fosythe**. Of course, that again is one of the problems. As we all are aware of the heat to get out of this year.

Mr. **Walker**. I am talking about moving from the 98th to the 99th Congress.

Mr. **Forsythe**. Yes, that is a good comment.

I would just finally like to reinforce what my colleague, Mr. Myers, has said on this question of the evidence, and I think we should not be in the position of withholding evidence. I am not sure that we are the place qualified to really determine the criminal act part of it, but I don't think we should be in a position of withholding evidence. So, with that, I again commend you and thank you very much.

The **Chairman**. Mr. Coyne?

Mr. **Coyne**. I have no questions, Mr. Chairman.

The **Chairman**. Mr. Brown?

Mr. **Brown**. Thank you, Mr. Chairman.

I would just like to extend my thanks to all of you.

I had some feeling, the impression that perhaps referring this matter to this committee was not your first choice at one point in the process.

Mr. **Walker**. I don't know how you have gotten that feeling.

Mr. **Myers**. I do.

Mr. **Brown**. But your kind words for the committee I think are greatly appreciated, I am sure, by everybody here. I would just like to focus on one aspect of this. It seems pretty clear that at least in my own feeling that obviously this committee should not be in the business of covering up or withholding evidence of criminal activity in this case, and I would hope we will deal with that in terms of making the records available to the appropriate authorities to make those determinations, but I think this committee would appreciate your thoughts on where we draw the line on making documents and evidence available.

I have heard suggestions that perhaps you make information regarding employees available, but not with regard to members, or the suggestion that perhaps you make information available with regard to past employees or members but not present ones. I have heard suggestions that you make everything available except that which might endanger the independence and the functioning of the branch.

Do you have any thoughts or suggestions as to what kind of guideline we ought to adopt or follow?

Mr. WALKER. You raise a tough question, and the easy answer to it, but I think that the right answer is that it has to be done on a case by case basis.

I mean, you really have to look at the individual set of circumstances that is involved in what is being asked. But I think the bottom line is that we should not allow this body to house criminal activity.

Now, you know there may be a request for information out of the executive branch that would be seeking information of a type that would be useful to them, but where there are no allegations of criminal activities involved.

Obviously, it seems to me, then we protect the separation of powers. That in those kinds of instances would not, I think, warrant the executive branch coming to Congress and making requests for information. But where you have allegations of criminal activity on the part of some individual, and we could use our powers to protect that criminality, then I think on a case by case basis we have got to make very certain that we are not withholding information that would prevent that individual from being prosecuted to the full extent of the law.

Mr. HILER. I might add to the gentleman from Colorado that the separation of powers, it seems to me, doesn't mean that one branch should be above the law. I mean I think that if we are one thing in this country, we are a Nation of laws.

I think we all have to live under those laws.

One of the problems is that so many people outside of the beltway tend to feel that we do put ourselves above the law, and I think that, as the gentleman from Pennsylvania mentioned, where there are allegations of criminal activity in a particular case, I think it is the responsibility of this body to help bring that criminal activity to light, not to judge.

I think if we start to judge whether something is criminal or not, I think we put ourselves in the position that I don't think we want to put ourselves in. I certainly don't think we should put ourselves in that position.

If it is a frivolous investigation by the executive branch, then clearly we have to protect our prerogatives, but I don't believe that we, as an institution, should protect our ability to violate the law, and I think that that is the potential we put ourselves into if we do not cooperate in this particular case and other similar cases.

Mr. BROWN. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Myers?

Mr. Myers. Mr. Chairman, I can't help but feel that someone might get the impression here that this committee and/or the Congress might be purposely withholding evidence, and the impression could well be taken that way, but I want to make it clear as far as I am concerned this is a procedural matter, and I certainly want to protect the separation of powers by any means.

We need to separate that power. We need to protect zealously our authority here, our power.

However, in this case I think it was a procedural matter where the Justice Department was wrong in the procedure they went about getting this evidence. There is no question about it. They didn't use an established technique or a system, a procedure that should have been used.

That is a procedural error on the part of the Justice Department.

However, we have to look at the overall problem here. What is more important, protecting procedurally? I think it is time for the Justice to back up and correct, I think, their procedure than for us to work with them, but I would be wrong, I think, to leave the impression anyone is willing to withhold evidence.

I am sure I speak for every member of this committee we certainly have no intention of doing that, but we do want to protect the Congress right of the separation of powers.

Mr. Hiler. I think once again for myself I certainly would not want to leave the impression that I am accusing anyone or suggesting that anyone is withholding evidence.

I think the question from Mr. Brown was in terms of how do you address that particular issue in the separation of power, and I think that the separation of power should not give us the right to hide or to prevent the prosecution of criminal activity, and on a case-by-case basis I think you almost have to determine what that means.

Mr. Myers. Justice was wrong the way they went about trying to get the evidence, no question about it, and I think they recognize their mistake now, but there is always a remedy for that too.

Mr. Walker. Implicit in my statement was, I think, a means should be found in order to accommodate their need to proceed with the investigation. I don't doubt that mistakes may have been made on it, and I certainly don't want to leave the impression that I think you are attempting to withhold evidence.

I just—what I am pleading for is that a means be found to accommodate that investigation so we can get on with whatever prosecution the Justice Department may feel is necessary.

Mr. Myers. Thank you.

The Chairman. I would think that in all probability the sense of this committee would be to accommodate any requests made by the Justice Department to any extent that we can, while at the same time preserving the requirements of the House as it relates to any type of evidence given to this committee under its jurisdiction and authority here in the House.

And, of course, the additional question of us not establishing precedent in any single case to in any way prejudice future matters coming before this committee.

Mr. Dixon.

Mr. DIXON. Aside from the issue of separation of powers, I think your testimony, both of you members, raises another fundamental question, and that is the appropriate use of terminating employment, in lieu of pursuing a criminal prosecution.

That is one of the fundamental questions. Not only is it used here, it is used in the private sector, and it has been used in the executive sector.

I can think of some recent cases where people have thought that the acts were illegal. The whole dispute had been resolved by that person or persons resigning, and so aside from the issue of separation of the two branches of Government, there needs to be a full discussion of the appropriate use of Government as a determination to resolve what could be a criminal dispute rather than a civil one.

Mr. WALKER. Or, you know, the sidelight to that may be that at some point there may have to be a modification in principle of the jurisdiction of this committee to allow you to cover people for what they did while they were on the job, whether they are presently in that job or not.

I mean there may need to be some kind of a look at the procedures under which you are allowed to proceed.

The CHAIRMAN. The Chair would just like to say that it should be apparent to all concerned here today that this matter has certainly been taken very, very seriously by this committee, and in the sense that the House did refer it to us, and that we certainly intend to carry out our full responsibility in every respect and in every regard.

I also would like the record to publicly reflect the fact that while we were in the process of investigating a situation that had arisen as a result of activity by a staff person or staffers, that we were very, very privileged in this case to have some of the best staff work that we have seen in the House and, of course, I agree with your statements earlier by both of you that we have been privileged, of course, here in the House, as Members, to have some very talented, very dedicated, committed people, and we are fortunate in that respect, and in this investigation, this committee had the benefit of some of the finest investigative work that I have been privileged to see here on the Hill.

I do want to specifically have the record reflect the committee's appreciation to our staff director, Mr. John Swanner, and to Ralph Lotkin, who was loaned to this committee from the GAO, and who has done an enormously outstanding job, and then our investigator, Richard Powers, and then also the work of Jan Loughry and Carolyn Andrade. These individuals have performed over and above the call of duty and this committee is certainly indebted to them.

In fact, it would be the intention of the Chair for the committee to mark up the report prepared by the staff, and right now that report consists of about 93 pages along with appendixes to it that run, make the entire thing run about 500 pages, which, once it has been printed, will probably run in excess of 300 pages printed by the United States Government Printing Office.

A great deal of work has gone into this matter, and I do want you to know how seriously we consider this entire matter, and we appreciate the very kind comments you have made regarding both the staff and the committee here this morning.

Mr. **WALKER**. Thank you, Mr. Chairman.

The **CHAIRMAN**. Thank you very much.

At this time the committee now has business to conduct in executive session.

The Chair would recognize the gentleman from South Carolina, Mr. Spence, for the purpose of making a motion.

Mr. **SPENCE**. Mr. Chairman, pursuant to rule XI 2(k)(5) and 2(g)(2)(B), I move we go into executive session, for today and one subsequent day.

The **CHAIRMAN**. You have heard the motion. A rollcall is automatic. The clerk will call the roll.

Mr. **SWANNER**. Mr. Stokes.

The **CHAIRMAN**. Aye.

Mr. **SWANNER**. Mr. Spence.

Mr. **SPENCE**. Aye.

Mr. **SWANNER**. Mr. Rahall.

Mr. **RAHALL**. Aye.

Mr. **SWANNER**. Mr. Conable.

[No response.]

Mr. **SWANNER**. Mr. Jenkins.

[No response.]

Mr. **SWANNER**. Mr. Myers.

Mr. **MYERS**. Aye.

Mr. **SWANNER**. Mr. Dixon.

Mr. **DIXON**. Aye.

Mr. **SWANNER**. Mr. Forsythe.

Mr. **FORSYTHE**. Aye.

Mr. **SWANNER**. Mr. Fazio.

Mr. **FAZIO**. Aye.

Mr. **SWANNER**. Mr. Brown.

Mr. **BROWN**. Aye.

Mr. **SWANNER**. Mr. Coyne.

Mr. **COYNE**. Aye.

Mr. **SWANNER**. Mr. Hansen.

[No response.]

Mr. **SWANNER**. Mr. Chairman, nine members answer aye.

The **CHAIRMAN**. Nine members having voted aye, this meeting is now in executive session. All members of the public are requested to absent themselves from the hearing room.

[Whereupon, at 11:25 a.m., the committee proceeded in executive session.]

ANSWERED "PRESENT"—2

Conyers
Crockett

NOT VOTING—16

Campbell
Craig
de la Garza
Dellums
Derrick
Hance
Heftel
Holt
Jones (NC)
Pashayan
Rostenkowski
Scheuer
Simon
Stump
Wylie
Young (AK)

☐ 1750

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS AT ANY TIME ON WEDNESDAY, OCTOBER 5, 1983

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Wednesday, October 5, 1983, for the Speaker to declare a recess for the purpose of receiving in joint meeting the President of the Federal Republic of Germany.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REPORT OF RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1010, COAL PIPELINE ACT OF 1983

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 98-353) on the resolution (H. Res. 309) providing for the consideration of the bill (H.R. 1010) to amend the Mineral Leasing Act of 1920 with respect to the movement of coal, including the movement of coal over public lands, and for other purposes, which was referred to the House Calendar and ordered to be printed.

☐ 1800

PERMISSION FOR SUBCOMMITTEE ON CRIME OF COMMITTEE ON JUDICIARY TO SIT TOMORROW DURING 5-MINUTE RULE

Mr. HUGHES. Mr. Speaker, I ask unanimous consent that the Subcommittee on Crime of the Committee on the Judiciary be permitted to sit during the 5-minute rule tomorrow.

It has been cleared with the minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

COMMENTS REQUESTED BY COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT ON PUBLISHING OF OFFICIAL RECORDS OF HOUSE

(Mr. STOKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STOKES. Mr. Speaker, on June 30 of this year, the House agreed to House Resolution 254, by a vote of 409 to 0, authorizing and directing the Committee on Standards of Official Conduct to undertake an investigation into alleged improper alterations of House documents. A part of the committee's inquiry involved the serving of interrogatories on each Member of the House during the 97th Congress and certain present and former congressional and committee staff. My remarks today are prefaced with a reminder that these interrogatories should be received in the committee office no later than tomorrow September 15.

A great deal of work has already been completed by the committee staff. Yet more needs to be done. Specifically, the committee is also mandated to report to the House any recommendations it deems proper with respect to the adequacy of the present code of official conduct or the Federal laws, rules, regulations, and other standards of conduct applicable to the conduct of Members, officers, or employees of the House to prevent the improper alteration of transcripts of hearings or other documents. I am therefore taking this opportunity to solicit any comments or advice that you may wish to offer regarding the procedure by which the official records of the House are published. In addition to obtaining the views of the Members of the House, the committee is likewise interested in the opinions of the committee and subcommittee staff directors, Government Printing Office personnel, Office of Official Reporters staff people, and those individuals in congressional offices who have the responsibility delegated to them for the editing of their Member's statements. In short, the committee invites all interested parties to share their advice and suggestions with us.

So that we may expeditiously review and analyze any comments that you may offer, we ask that those who wish to present testimony at a public hearing or statements for the record notify the Committee on Standards of Official Conduct within 7 days.

ARMS-CONTROL PRINCIPLES

(Mr. FAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO. Mr. Speaker, our colleague from Wisconsin (Mr. ASPIN) has long been a leader in this Congress and in the country in behalf of arms control. Recently he made a significant contribution to the evolving debate on this subject by publishing a very well reasoned white paper which I think will help focus our attention, and hopefully the attention of the administration, on the moves that need to be made in October in Geneva to bring about a successful resolution to the START talks that are now in recess.

The Scowcroft Commission report, which we have tentatively, at least, adopted in this body, was based on a three-pronged approach: The deployment of the MX, a new, small ICBM, perhaps a mobile midget missile, and arms control. In my opinion, the administration thus far has given inadequate attention, to the arms control element of the Scowcroft Commission report.

It seems to me that the principles that are outlined in the ASPIN white paper, which focus on throw-weight differential, on the evolution of the bomber force in both the Soviet Union and the United States, and the third significant issue that has so far been a blockage to a proper resolution of this issue, the large MIRV'd ICBM force that both sides currently have in their arsenal, need once again to be reemphasized and reaffirmed by the Commission with recommendations to the administration for further action and presentation on October 6 in Geneva.

I am very hopeful that the work that Mr. ASPIN has contributed in this regard and the work that the Scowcroft Commission is now doing on his recommendations will be a guideline to the administration. As one who has supported the MX, I can only say that my vote on the very significant defense appropriation measure yet to come this fall will be based upon the success the administration has in meeting this test. Arms control does need to have a greater emphasis that this Congress so desires placed upon it. The administration must understand that if it is to succeed with the MX.

Hopefully, all Members, regardless of their views on the MX, who have a desire to reach a bipartisan consensus on arms control, will read Mr. ASPIN's paper.

SOME THOUGHTS ON POLITICS, STRATEGY, AND ARMS CONTROL PRINCIPLES

(By Les Aspin)

The key question in strategic arms control today is whether we can get beyond negotiating among ourselves so that we can begin to negotiate with the Soviet Union.

The many sides in our own domestic debate are so captivated by their conflicts with one another that they scarcely have any time or energy available to figure out how we should deal with the Soviets. As a nation we rather resemble a highly fractious labor union engaged in a battle over who are to be its leaders, what are the desirable terms for a new contract, which faction is to get credit with the members for proposing what, and whether or not to cancel the new dues assessment for a strike fund. In the meantime, opposing management (headed by a notoriously tough-bargaining, even union-busting, Chief Executive Officer) sits there smiling, waiting and building up its inventories. The prospect for reaching a reasonable deal under these circumstances is not bright.

So it is with arms control. When conservatives are out of power, they argue that any proposed arms accord (e.g., SALT II) merely ratifies Soviet advantages and, further, risks

NINETY-EIGHTH CONGRESS
LOUIS STOKES OHIO CHAIRMAN
NICK JOE RAHALL II W VA
ED JENKINS GA
JULIAN C DIXON CALIF
VIC FAZIO CALIF
WILLIAM J COYNE PA

FLOYD SPENCE SC
BARBER B CONABLE JR NY
JOHN T MYERS IND
EDWIN B FORSYTHE NJ
HANK BROWN COLO
JAMES V HANSEN UTAH

JOHN M SWANNER STAFF DIRECTOR

U.S. House of Representatives
COMMITTEE ON STANDARDS OF
OFFICIAL CONDUCT
Washington, D.C. 20515

September 16, 1983

Dear Mr. Chairman:

As you know, House Resolution 254 authorizes and directs the Committee on Standards of Official Conduct to investigate alleged improper alterations of House documents. The Resolution also directs the Committee to report to the House any recommendations it deems appropriate to prevent such actions. To this end, the Committee seeks your advice and the suggestions of Members regarding the procedures by which official records of the House are edited and published.

In addition to obtaining your views, the Committee is interested in the opinions of those of your staff, such as Committee and Subcommittee staff directors or others, who are responsible for the editing and publishing of House documents.

Therefore, if either you or a member of your staff wishes to offer suggestions with respect to existing or proposed procedures affecting the editing and publishing of House documents, the Committee would be pleased to receive them.

So that the Committee can expeditiously review and analyze such advice and set a hearing schedule, we ask that you or your staff notify the Committee within seven days of an intention to respond on the matter.

Sincerely,

Louis Stokes
Chairman

Floyd Spence

Floyd Spence
Ranking Minority Member

NINETY-EIGHTH CONGRESS
LOUIS STOKES, OHIO, CHAIRMAN
NICK JOE RAHALL II, W. VA.
ED JENKINS, GA.
JULIAN C. DIXON, CALIF.
VIC FAZIO, CALIF.
WILLIAM J. COYNE, PA.

FLOYD D. SPENCE, S.C.
BARBER B. CONABLE, JR., N.Y.
JOHN T. MYERS, IND.
EDWIN B. FORSYTHE, N.J.
HANK BROWN, COLO.
JAMES V. HANSEN, UTAH

JOHN M. SWANNER, STAFF DIRECTOR

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Sincerely,

Louis Stokes
Chairman

Floyd Spence

Floyd Spence
Ranking Minority Member

ministrator of the Year, presented by the Los Angeles chapter of the American Society for Public Administration.

In addition to his work for the city of Salinas, Bob has been very active in urban and professional public management organizations. He currently serves as president of the Monterey chapter of the American Society for Public Administration and as a board member of the League of California Cities. He also serves on the Social Issues Committee and the Tax Reform Task Force in that organization. In 1981, he served as president of the City Manager Department of the League of California Cities.

Mr. Speaker, on November 5, Bob Christofferson will be honored with a special celebration in recognition of his years of service to the people of Salinas. I know my colleagues join me in wishing him well as he moves on to Fresno.●

NOTICE OF HEARING BY COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Stokes) is recognized for 5 minutes.

Mr. STOKES. Mr. Speaker, on June 30 of this year, the House agreed to House Resolution 254, by a vote of 409 to 0, authorizing and directing the Committee on Standards of Official Conduct to undertake an investigation into alleged improper alterations of House documents. A part of the committee's inquiry involved the serving of interrogatories on each Member of the House during the 97th Congress and certain present and former congressional and committee staff.

Also, on September 14 of this year, I addressed the House and invited interested Members and staff to share their advice, comments, and suggestions regarding the procedure by which the official records of the House are published. The September 14 invitation was followed by letters on this subject dated September 16 to every Member. The committee has reviewed and analyzed the responses it has received and is now ready to receive testimony from interested parties.

To this end, I invite any Member, staff, or other individual wishing to present public testimony on the editing and publishing of House documents to do so on November 3, 1983, at 3 p.m., in room 2359-A Rayburn House Office Building.

In order that the committee can make necessary arrangements, we request that anyone wishing to testify contact the committee not later than 5 p.m. on November 2, 1983, and provide 20 copies of any prepared statement at that time.

MAJ. GEN. JAMES TAYLOR, JR., WELL DONE AND WELCOME HOME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. Neal) is recognized for 10 minutes.

● Mr. NEAL. Mr. Speaker, I would like to pay special tribute today to Major General Taylor of Winston-Salem who recently retired from the Air Force after nearly 32 years of service to his country.

General Taylor, who was born in Rural Hall, N.C., received his primary and secondary education in Jonesville. In 1945, he was graduated from Mars Hill College and in 1947 was awarded a bachelor of arts degree from the University of North Carolina. He received his juris doctor from the university's law school in 1949. After 2 years in private practice in Boone, N.C., he accepted a direct commission in the Judge Advocate General's Department, U.S. Air Force, and was assigned to Biggs Air Force Base in Texas. Following this initial tour, General Taylor served in England at RAF Greenham Common and with the 7th Air Division at RAF South Ruislip. In 1956, he was assigned to HQ SAC at Offutt Air Force Base, Nebr., and 4 years later was brought to the Judge Advocate General's Office in Washington, D.C., as an appellate Government counsel. From there, General Taylor was assigned for 3 years as base staff judge advocate at Hickam Air Force Base in Hawaii. He returned to Washington in 1967 to deal directly with Congress, first as legislative attorney and then as Chief of the Legislation Division of the Office of the Secretary of the Air Force. He left Washington again in 1972 to become staff judge advocate of the 13th Air Force in the Philippines, but was reassigned to the Capital 2 years later as director of civil law for the Judge Advocate General. In 1977, he was promoted to the grade of brigadier general and, shortly thereafter, selected as Assistant Judge Advocate General of the U.S. Air Force, the position in which he served until his nomination and for confirmation as the first Deputy Judge Advocate General in 1980. General Taylor has accepted a position as the director of clinical education programs and visiting professor of law at the Wake Forest University School of Law in Winston-Salem, N.C. General Taylor is married to the former Louise Lewis of Boone. They have a daughter, Dawn, who is a graduate of and employed by the University of North Carolina at Chapel Hill.

Major General Taylor was presented the Distinguished Service Medal at ceremonies recently held at the Pentagon. This award, the highest military decoration awarded in peacetime, recognized General Taylor's exceptional meritorious service in duties of great responsibility.

Today I ask the Members of this House to join me in honoring General Taylor for his devoted and selfless service to this great Nation—well done and welcome home.●

PRESIDENT EXHIBITS SKILLS AS CASUIST IN CASE OF COMMUNISTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Dymally) is recognized for 30 minutes.

Mr. DYMALLY. Mr. Speaker, President Reagan in his public statements gives the impression that he is the most fervent and monolithically anti-Communist American leader since John Foster Dulles. Some credit him with restarting the cold war. We can easily picture his anger at Cuba for sending workers to Grenada to build an airstrip—an airstrip probably not unlike the one we are building in Honduras. We know how intent he is on deploying Pershing II missiles in Europe to save the Western Europeans from being destroyed by the Russian Communists.

But to Mr. Reagan it appears there are "Communists" and then there are "Communists." In the midst of all the anti-Communist rhetoric, it is easy to lose sight of the fact that the President can make rather esoteric distinctions when he chooses to—like the distinction between Chinese Communists and all other Communists. He considers it all right to arm some Communists even as he pressures other Communists to disarm. A recent article by Robert Scheer in the Los Angeles Times reflects on this ability of the President. I think the article provides an insight that is important to understand. The distinction he makes between Communists, I might add, appears to be revisited in the distinction he makes between totalitarian—bad Communist regimes and authoritarian—supportable Communist regimes. I shall enter the Scheer article in the Record for the benefit of my fellow Members of Congress.

[From the Los Angeles Times, Oct. 2, 1983]

U.S. Arms for China: Learning to Love Those ChiCom Hordes

(By Robert Scheer)

There was something oddly disconcerting last week about the pictures of Defense Secretary Caspar W. Weinberger happily cavorting atop the Great Wall, while on a mission to sell sophisticated U.S. weapons to the Chinese communists. During his amicable stay in China he also held out the possibility of a strategic partnership with Peking, and promised eventually to end arms sales to Taiwan, thereby implicitly endorsing China's claim to Taiwan.

Arms for Red China and the "betrayal" of Taiwan. The very idea would have caused the impeachment of an American President not so very long ago. Yet now the offer has been made by an Administration that has based much of its foreign policy on what it believes is the inherent immorality and imperial drive of communist ideology.

This is a remarkable turnabout for the President and the many others in his Administration who once believed that vast

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JOHN M. SWANNER, STAFF DIRECTOR

U.S. House of Representatives
COMMITTEE ON STANDARDS OF
OFFICIAL CONDUCT
Washington, D.C. 20515

November 3, 1983

Dear Colleague:

On June 30 of this year, the House agreed to House Resolution 254, by a vote of 409 to 0, authorizing and directing the Committee on Standards of Official Conduct to undertake an investigation into alleged improper alterations of House documents. A part of the committee's inquiry involved the serving of interrogatories on each Member of the House during the 97th Congress and certain present and former congressional and committee staff.

Also, on September 14 of this year, I addressed the House and invited interested Members and staff to share their advice, comments, and suggestions regarding the procedure by which the official records of the House are published. The September 14 invitation was followed by letters on this subject dated September 16 to every Member. The committee has reviewed and analyzed the responses it has received and is now ready to receive testimony from interested parties.

The committee had earlier planned a hearing on the matter for November 3, 1983. However, due to unforeseen scheduling problems the hearing has been postponed several days.

To this end, I invite any Member, staff, or other individual wishing to present public testimony on the editing and publishing of House documents to do so on November 9, 1983, at 10:00 a.m. in Room 2359-A Rayburn House Office Building.

In order that the committee can make necessary arrangements, we request that anyone wishing to testify contact the committee not later than 5 p.m. on November 7, 1983, and provide 20 copies of any prepared statement at that time.

Sincerely,

Louis Stokes
Chairman

NINETY-EIGHTH CONGRESS
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JOHN M. SWANNER, STAFF DIRECTOR

U.S. House of Representatives
COMMITTEE ON STANDARDS OF
OFFICIAL CONDUCT
Washington, D.C. 20515

November 3, 1983

[This letter sent to Representatives Carney, Gregg, Hiler, Schneider, Sensenbrenner, Walker, and Winn]

Dear :

As you know House Resolution 254 authorizes and directs the Committee on Standards of Official Conduct to investigate alleged improper alterations to House documents and to consider the procedure by which such materials are edited and published.

As noted in the attached letter, the Committee will hold a hearing on the editing and publishing of House documents on November 9, 1983, at 10:00 a.m. in Room 2359-A Rayburn House Office Building.

In view of your participation in the July 21-22, 1982, oversight hearings on the Environmental Protection Agency, the hearings that precipitated House Resolution 254, and your expressions of interest in the matters that are the subject of the Committee's investigation, the Committee invites your attendance at the November 9 hearing and, if you so desire, your views on the process by which House documents are published.

Sincerely,

Louis Stokes
Chairman

Enclosure [Dear Colleague letter of November 3, 1983]

DON FUQUA (Fla.), Chairman

ROBERT A. ROE, N.J.
GEORGE E. BROWN, JR., CALIF.
JAMES H. SCHEUER, N.Y.
RICHARD L. OTTINGER, N.Y.
TOM HARKIN, IOWA
MARILYN LLOYD, TENN.
DOUG WALGREN, PA.
DAN GLICKMAN, KANS.
ALBERT GORE, JR., TENN.
ROBERT A. YOUNG, MO.
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BILL NELSON, FLA.
STAN LUNDINE, N.Y.
RALPH M. HALL, TEX.
DAVE MC CURDY, OKLA.
MERVYN M. DYMALLY, CALIF.
PAUL SIMON, ILL.
NORMAN Y. MINETA, CALIF.
RICHARD J. DURBIN, ILL.
MICHAEL A. ANDREWS, TEX.
BUDDY MAC KAY, FLA.
TIM VALENTINE, N.C.
HARRY M. REID, NEV.
ROBERT G. TORRICELLI, N.J.
FREDERICK C. BOUCHER, VA.

U.S. HOUSE OF REPRESENTATIVES
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LARRY WINN, JR., KANS.
MANUEL LUJAN, JR., N. MEX.
ROBERT S. WALKER, PA.
WILLIAM CARNEY, N.Y.
F. JAMES SENSENBRENNER, JR., WIS.
JUDD GREGG, N.H.
RAYMOND J. MC GRATH, N.Y.
JOE SKEEN, N. MEX.
CLAUDINE SCHNEIDER, R.I.
BILL LOWERY, CALIF.
ROD CHANDLER, WASH.
HERBERT H. BATEMAN, VA.
SHERWOOD L. BOEHLERT, N.Y.
ALFRED A. MC CANDLESS, CALIF.
TOM LEWIS, FLA.

J. H. POORE
Executive Director
ROBERT C. KETCHAM
General Counsel
DAVID S. JEFFERY
Minority Staff Director

September 19, 1983

Honorable Louis Stokes, Chairman
Committee on Standards of Official
Conduct
U.S. House of Representatives
Washington, D. C. 20515

Dear Mr. Chairman:

I have your letter requesting advice and suggestions on the procedures for the editing and publishing of official House records.

As I am sure you know, the Committee on Science and Technology reviewed its practices and procedures after the issue of the altered hearing transcript came to light.

The Committee has adopted a verbatim transcript rule, a copy of which is attached, and we believe that this new procedure will not only assure accuracy, but facilitate the publication of our official records. To effectively implement the rule, the Committee is buying the recording of each session and maintaining a library of these tapes. I have asked Rob Ketcham, our General Counsel, to be in touch with you to further elaborate on some of the details that may be helpful to your Committee.

Sincerely,

DON FUQUA
Chairman

DF:Ksw
Attachment

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COMMITTEE ON
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from now. Or we can act to fix things the way that Americans have always done once we saw the size and shape of the problems we confronted.

The new Chrysler Corporation has decided to work with the United Auto Workers, our employees, and the hospitals and physicians who serve the Chrysler family, to change the system.

We have decided to stop blaming the other guy—the government, or the doctors, or the hospital administrators, or the insurers, or the insured for the health care cost mess that we are in. By and large, they have only been acting the way that the system has encouraged them to act. There is plenty for them to change, and, of course, we will need their help. But we are going to concentrate on what we can do.

The first step is education. The new Chrysler Corporation is beginning a major effort—unprecedented in the history of American business—to tell its executives, union and salaried employees and stockholders what we face. We want our employees to have the same high quality health care that they now enjoy. But we want them to know that there are choices we and they can make—and get that same high quality health care at a significantly lower price.

We want to put in place a real alternative to the present system—one that will change the way the costs are generated. If we succeed, we estimate that we will save up to $1,000 for each active employee each year. That is money employees could see in their paychecks rather than in the checks Chrysler sends to Blue Cross/Blue Shield and our other medical and dental carriers. It is money their spouses and dependents can use for groceries and education.

We want to build on the most efficient parts of our health care structure. We intend to become more prudent purchasers and channel our business to those doctors and hospitals which are conscious of costs. For example, there are many efficient suppliers of health care in Southeastern Michigan who are willing to cooperate with Chrysler and its employees and agree that, from now on, company-supported health care plans will be the most efficient, rather than the most wasteful systems.

We believe that enough doctors and hospitals will join with us so that Chrysler employees will have plenty of room to choose their family physician. It is not the insured but the physician who selects the specialists and surgeons, who in turn select the hospitals. We are conscious of freedom to choose a physician—and we want to preserve a wide range of choice.

For me, I subscribe to the words of G. K. Chesterton:

"I do not believe in a fate that befalls people however they act. I do believe in a fate that befalls them unless they act."

PRIVACY PROTECTION ACT OF 1984

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. ENGLISH) is recognized for 5 minutes.

● Mr. ENGLISH. Mr. Speaker, today I am introducing the Privacy Protection Act of 1984, a bill to establish a permanent and independent Privacy Protection Commission in the Federal Government.

The idea of a governmental entity with responsibility for establishing privacy policy and overseeing its implementation is not new. When the Privacy Act of 1974 was initially considered in the Senate, Senator Sam Ervin advocated the creation of a Federal Privacy Board as an aid to enforcement and oversight of the act. The proposal passed the Senate but it met with resistance in the House.

As a compromise, the Congress established the Privacy Protection Study Commission as a temporary group to conduct research and make recommendations on a wide range of privacy issues. In its final report issued in 1977, the Privacy Protection Study Commission also recommended that an independent entity be established to monitor and evaluate privacy laws; to continue research, study, and investigations; to issue interpretative rules for the Privacy Act; and to provide privacy advice to the President, the Congress, and to the States. Although bills to accomplish this purpose were introduced from time to time in the past, no action was ever taken.

Why am I reviving the notion of a permanent Privacy Commission at this time? In June, the Subcommittee on Government Information, Justice, and Agriculture conducted 2 days of general oversight hearings on the Privacy Act of 1974. These were the first general oversight hearings on the act since its enactment. Several conclusions were immediately apparent from the testimony.

First, oversight of the Privacy Act within the executive branch is virtually nonexistent. As part of the compromise that led to the creation of the Privacy Protection Study Commission, the Congress assigned oversight and implementation responsibilities to the Office of Management and Budget. OMB is simply not doing a very good job. In fact, OMB is hardly doing the job at all. In the words of one witness, OMB has "virtually abdicated responsibility" for the Privacy Act. Other witnesses also agreed that OMB was not interested in its Privacy Act responsibilities.

Second, privacy is no longer an issue of purely domestic interest. In recent years, an increasing number of foreign nations have become concerned about the privacy implications of new technology and of the flow of personal information across national borders. Legislation to protect personal data has been enacted in some countries. West Germany, Sweden, France, and other nations have established data protection commissioners or agencies. The Council of Europe has proposed a convention to establish international standards for data protection.

These international concerns about privacy have very important implications for American businesses. Restrictions on the transfer of data to nations that do not have adequate privacy protections may result in the loss of markets for information and telecommunications service. In addition, multinational companies are finding that their own internal operations are impeded by restrictions on data transfer.

One expert in international privacy law testified that ratification of the Council of Europe Data Protection Convention would make things more difficult for American companies doing business in Europe. With the functional demise of the National Telecommunications and Information Administration, there is no agency in the Federal Government paying sufficient attention to the implications for American businesses of international privacy concerns.

The Privacy Protection Commission that I am proposing would have responsibility for both domestic and international privacy issues. Domestically, the Commission would be assigned an oversight role under the Privacy Act of 1974. The Commission would develop guidelines and model regulations, investigate compliance with the act, and generally oversee agency Privacy Act activities.

For international privacy issues, the Commission would assist U.S. companies doing business abroad to comply with foreign data protection laws; assist in the coordination of U.S. privacy policies with those of foreign nations, accept complaints and otherwise consult with foreign data protection agencies. The Commission would also assist in the development or implementation of private sector data protection standards. However, the Commission would have no regulatory authority over the private sector.

It is time to renew the debate over how we should set, implement, and oversee policies designed to protect the privacy of personal information. I hope that my bill will serve as an effective vehicle for that debate. Privacy can so easily be sacrificed to other interests that it is likely to be ignored unless there is a dedicated and responsible spokesman. Both OMB and NTIA have failed in that role. A small and independent Commission seems to be the best alternative.

I welcome any comments on the Privacy Protection Act of 1984.●

NEW COMMITTEE RULE ADOPTED BY COMMITTEE ON SCIENCE AND TECHNOLOGY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 5 minutes.

● Mr. FUQUA. Mr. Speaker, as a result of the recent involvement of the Committee on Science and Technology in the issue involving the alteration of transcripts, the committee reviewed its rules governing procedure. On July 26, 1983, the committee met to consider a proposed rule change which is now rule 23 in the material I am inserting for the RECORD.

The committee adopted the new rule for the publication of transcripts by a vote of 37 to 0. It is my feeling it will correct the problem of transcription alteration, and, at the same time, provide a method whereby the work of the committee staff is expedited. The Committee on Science and Technology rules governing procedure in the 98th Congress, as amended, follow:

RULES GOVERNING PROCEDURE OF THE COMMITTEE ON SCIENCE AND TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES, 98TH CONGRESS

(Note:* indicates rules applicable to subcommittees.)

GENERAL

1. The Rules of the House of Representatives, as applicable, shall govern the committee and its subcommittees. The rules of the committee, as applicable, shall be the rules of its subcommittees.

COMMITTEE MEETINGS

Time and place

2. Unless dispensed with by the Chairman, the meetings of the committee shall be held on the 1st and 3rd Tuesday of each month the House is in session at 10:00 a.m. and at such other times and in such places as the Chairman may designate.

3. The Chairman of the committee may convene as necessary additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business.

*4. The committee shall make public announcement of the date, time, place and subject matter of any of its hearings at least one week before the commencement of the hearing. If the Chairman determines that there is good cause to begin the hearing sooner, he shall make the announcement at the earliest possible date. Any announcement made under the subparagraph shall be promptly published in the Daily Digest, and promptly entered into the scheduling service of the House Information Systems.

*5. The committee may sit while the House is reading a measure for amendment under the 5-minute rule, provided 10 or more Members on the House floor do not object when special leave for such committee or subcommittee to sit is requested.

Ranking majority member to preside in absence of chairman

*6. If the Chairman of the committee is not present at any meeting of the committee, the ranking Member of the Majority Party on the committee who is present shall preside.

Order of business

*7. The order of business and procedure of the committee and the subjects of inquiries or investigations will be decided by the Chairman, subject always to an appeal to the committee.

Membership

8. A majority of the Majority Members of the committee shall determine an appropriate ratio of Majority to Minority Members for each subcommittee and shall authorize the Chairman to negotiate that ratio with the Minority Party: *Provided, however*, that party representation on each subcommittee (including any ex-officio Members) shall be no less favorable to the Majority Party than the ratio for the full committee. *Provided, further* that recommendations of conferees to the Speaker shall provide a ratio of Majority Party Members to Minority Party Members which shall be no less favorable to the Majority Party than the ratio for the full committee.

Special meetings

9. Rule XI 2(c)(2) of the Rules of the House of Representatives is hereby incorporated by reference (Special Meetings).

COMMITTEE PROCEDURES

Quorum

*10. One-third of the Members of the committee shall constitute a quorum for all purposes except that a majority must be present in order to: (1) report or table any legislation, measure or matter; (2) close committee meetings or hearings; or (3) authorize the issuance of subpenas.

*11. The number of Members to constitute a quorum for taking testimony and receiving evidence shall not be less than two, one of whom shall be a Member of the Minority.

Proxies

12. Any Member may authorize a vote by proxy with respect to any measure or matter before the committee. Such proxy authorization shall be in writing, shall assert that the Member is absent on official business or is otherwise unable to be present at the meeting of the committee, shall designate the person who is to execute the proxy authorization, and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a Member may authorize a general proxy only for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the Member assigning his or her vote, filed with the committee clerk, and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum.

Witnesses

*13. The committee shall, insofar as is practicable, require each witness who is to appear before it to file with the committee (in advance of his or her appearance) a written statement of the proposed testimony and to limit the oral presentation at such appearance to a summary of his or her statement.

*14. Whenever any hearing is conducted by the committee on any measure or matter, the Minority Members of the committee shall be entitled, upon request to the Chairman by a majority of them, before the completion of the hearing, to call witnesses selected by the Minority to testify with respect to the measure or matter during at least one day of hearing thereon.

Investigative hearing procedures

15. Rule XI 2(k) of the Rules of the House of Representatives is hereby incorporated by reference (rights of witnesses under subpena).

Subject matter

*16. Bills and other substantive matters may be taken up for hearing only when called by the Chairman of the committee or by a majority vote of a quorum of the committee, except those matters which are the subject of special-call meetings outlined in Rule 9.

17. No private bill will be reported by the committee if there are two or more dissenting votes. Private bills so rejected by the committee will not be reconsidered during the same Congress unless new evidence sufficient to justify a new hearing has been presented to the committee.

*18. (a) It shall not be in order for the committee to consider any new or original measure or matter unless written notice of the date, place and subject matter of consideration and to the extent practicable, a written copy of the measure or matter to be considered, has been available in the office of each Member of the committee for at least three calendar days in advance of consideration, excluding Saturdays, Sundays, and legal holidays.

(b) Notwithstanding the foregoing sections of this rule, consideration of any legislative measure or matter by the committee shall be in order by vote of two-thirds of the Members present, provided that a majority of th committee is present.

Open meetings

*19. Each meeting for the transaction of business, including the markup of legislation, of the committee shall be open to the public except when the committee, in open session and with a quorum present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed to the public. No person other than Members of the committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to open committee hearings which are provided for by Rule 20 contained herein, or to any meeting that relates solely to internal budget or personnel matters.

*20. Each hearing conducted by the committee shall be open to the public except when the committee, in open session and with a quorum present, determines by roll call vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, and Rule 10, a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony.

(A) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate clause 2(k)(5) of Rule XI of the Rules of the House of Representatives; or

(B) may vote to close the hearing, as provided in clause 2(k)(5) of Rule XI of the Rules of the House of Representatives. No Member may be excluded from nonparticipatory attendance at any hearing of any committee or subcommittee, unless the House of Representatives shall by majority vote authorize a particular committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this subparagraph for closing hearings to the public: *Provided, however*, That the committee or subcommittee may by the same procedure vote to close one subsequent day of hearing.

Requests for roll call votes

21. A roll call of the Members may be had at the request of three or more Members.

Committee records

*22. The committee shall keep a complete record of all committee action which shall include a record of the votes on any question on which a roll call vote is demanded. The result of each roll call shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each Member voting for and each Member voting against such amendment, motion order or proposition and the names of those Members present but not voting.

"23. *Publication of committee hearings*

The transcripts of those hearings conducted by the Committee which are decided to be printed will be published in verbatim form, with the material requested for the record inserted at that place requested, or at the end of the record, as appropriate.

Any requests by those Members, staff or witnesses to correct any errors, other than errors in transcription, or disputed errors in transcription, will be appended to the record, and the appropriate place where the change is requested will be footnoted.

Prior to approval by the Chairman of hearings conducted jointly with another Congressional committee, a memorandum of understanding will be prepared which incorporates an agreement for the publication of the verbatim transcript.

5-Minute rule during committee proceedings

"24. The time any one Member may address the committee on any bill, motion or other matter under consideration by the committee or the time allowed for the questioning of a witness at hearings before the committee will be limited to five minutes, and then only when the Member has been recognized by the chairman, except that this time limit may be waived by the Chairman or acting Chairman. The rule of germaneness will be enforced by the Chairman.

Requests for written motions

"25. Any legislative or non-procedural motion made at a regular or special meeting of the committee and which is entertained by the chairman shall be presented in writing upon the demand of any Member present and a copy made available to each Member present.

SUBCOMMITTEES

Structure and jurisdiction

"26. The committee shall have the following standing subcommittees with the jurisdiction indicated.

(a) Subcommittee on Energy Development and Applications. Legislation, general and special oversight and all other matters relating to research, development and demonstration programs in fossil energy R&D; solar applications; solar technology; advanced energy technology; energy conservation; biomass; basic energy sciences; high energy and nuclear physics; geothermal energy; international cooperation in non-nuclear energy; and policy and management programs of the Department of Energy.

(b) Subcommittee on Natural Resources, Agriculture Research and Environment. Legislation, general and special oversight and all other matters relating to natural resources, including, but not limited to, water research, and, to the extent appropriate, agriculture R&D; legislation, risk assessment and other matters relating to environmental research and development generally—including, but not limited to, research and development activities of the Environmental Protection Agency; environmental health, safety, life sciences, pharmaceutical and medical activities of Executive departments and agencies, as appropriate; operational and research and development activities related to the atmosphere (including meteorology, aeronomy, climate, weather modification); those ocean R&D activities related to the quality and management of the environment of the National Oceanic and Atmospheric Administration; and activities relating to a land observing system.

(c) Subcommittee on Energy Research and Production. Legislation, general and special oversight and all other matters relating to research, development and demonstration involving nuclear fission and the nuclear fuel cycle; nuclear fusion, electric energy systems; energy storage systems; hydroelectric energy systems; international cooperation in nuclear matters (except for exports of nuclear technology and hardware); and policy and management programs of the Department of Energy.

(d) Subcommittee on Science, Research and Technology. Legislation, general and special oversight and all other matters relating to the National Science Foundation; the National Bureau of Standards; the Office of Science and Technology Policy; the Office of Technology Assessment; scientific research and development and applications; science policy; scientific resources (including manpower); science education; science information and information sciences; technology transfer; technology assessment; innovation, productivity, and industrial R&D standards (weights, measures, etc.); patent policies as they relate to Federal research and development programs; R&D involving governmental health, nutritional and handicapped programs; biotechnology; intergovernmental mechanisms for R&D; and international cooperation in science and technology.

(e) Subcommittee on Transportation, Aviation and Materials. Legislation, general and special oversight and all other matters relating to civil aviation research and development (includes aeronautical research and technology programs of the National Aeronautics and Space Administration and research and development programs of the Federal Aviation Administration); transportation programs of the Department of Energy; aviation-weather services; materials R&D and national materials policies, both domestic and international; oversight of surface transportation research and development programs of the Department of Transportation, Urban Mass Transportation Administration, Federal Railroad Administration, Federal Highway Administration, National Highway Traffic Safety Administration, and Coast Guard and the Maritime Administration; oversight of research and development in communications other than that for which the Subcommittee on Space Science and Applications is responsible.

(f) Subcommittee on Investigations and Oversight. Review and study, on a continuing basis, of the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the committee and the organization and operation of the Federal and private agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress. In addition, the Subcommittee on Investigations and Oversight and the appropriate subcommittee with legislative authority may cooperatively review and study any conditions or circumstances which indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the committee, and may undertake futures research and forecasting on matters within the jurisdiction of the committee. The Subcommittee on Investigations and Oversight shall in no way limit the responsibility of other subcommittees from carrying out their oversight responsibilities, nor shall any investigation be undertaken by the Subcommittee on Investigations and Oversight without (a) consultation with the Chairman of the appropriate subcommittee with legislative authority and (b) approval of the Chairman of the committee.

(g) Subcommittee on Space Science and Applications. Legislation, general and special oversight and all other matters relating to the National Aeronautics and Space Administration (except aeronautical research and development); national programs of research and development in space exploration, space applications, space communications and related matters; and activities relating to a land observing system.

Referral of legislation

27. All legislation and other matters referred to the committee shall be referred to all subcommittees of appropriate jurisdiction within two weeks unless, by a majority vote of the Majority Members of the full committee, consideration is to be by the full committee. Subcommittee chairmen may make requests for referral of specific matters to their subcommittee within the two-week period if they believe subcommittee jurisdictions so warrant.

Ex officio members

28. The Chairman and Ranking Minority Member shall serve as ex officio Members of all subcommittees and shall have the right to vote and be counted as part of the quorum on all matters before the subcommittees.

Procedures

29. No subcommittee shall meet for markup or approval when any other subcommittee of the committee is meeting to consider any measure or matter for markup or approval.

30. Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the committee on all matters referred to it. Each subcommittee shall conduct legislative and general oversight, inquiries for the future and forecasting, and budget impact studies on matters within their respective jurisdictions. Subcommittee chairmen shall set meeting dates after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible.

31. Any Member of the committee may have the privilege of sitting with any subcommittee during its hearings or deliberations and may participate in such hearings or deliberations, but no such Member who is not a member of the subcommittee shall vote on any matter before such subcommittee.

32. During any subcommittee proceeding for markup or approval, a roll call vote may be had at the request of one or more Members of that subcommittee.

Power to sit and act; subpena power

33. Rule XI 2(m) of the Rules of the House of Representatives is hereby incorporated by reference (power to sit and act; subpena power).

REPORTS

Substance of legislative reports

34. The report of the committee on a measure which has been approved by the committee shall include the following, to be provided by the committee:

(A) the oversight findings and recommendations required pursuant to clause 2(b)(1) of Rule X of the Rules of the House of Representatives, separately set out and identified, [Rule XI 2(l)(3)(A)];

(B) the statement required by section 308(a) of the Congressional Budget Act of 1974, separately set out and identified, if the measure provides new budget authority or new or increased tax expenditures, [Rule XI 2(l)(3)(B)];

(C) a detailed analytical statement as to whether the enactment of such bill or joint resolution into law may have an inflationary impact on the national economy, [Rule XI 2(l)(4)];

(D) with respect to each roll call vote on a motion to report such bill or resolution, the total number of votes cast for and the total number of votes cast against the reporting of such bill or resolution. [Rule XI 2(l)(2)(B)];

(E) the estimate and comparison prepared by the committee under Rule XIII 7(a) of the Rules of the House of Representatives, unless the estimate and comparison prepared by the Director of the Congressional Budget Office prepared under subdivision (A) of Rule 34 has been timely submitted prior to the filing of the report and included in the report. [Rule XIII 7]; and

(F) in the case of a bill or joint resolution which repeals or amends any statute or part thereof, the text of the statute or part thereof which is proposed to be repealed, and a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended. [Rule XIII 3].

35. (a) The report of the committee on a measure which has been approved by the committee shall further include the following, to be provided by sources other than the committee:

(A) the estimate and comparison prepared by the Director of the Congressional Budget Office required under section 403 of the Congressional Budget Act of 1974, separately set out and identified, whenever the Director (if timely submitted prior to the filing of the report) has submitted such estimate and comparison to the committee. [Rule XI 2(l)(3)(C)];

(B) a summary of the oversight findings and recommendations made by the Committee on Government Operations under Rule X 2(b)(2) of the Rules of the House of Representatives, separately set out and identified. [Rule XI 2(l)(3)(D)].

(b) Notwithstanding the foregoing sections of this rule, if the committee has not received prior to the filing of the report the material required under subdivisions (A) and (B) of this rule, then it shall include a statement to that effect in the report on the measure.

Minority and additional views

36. If, at the time of approval of any measure or matter by the committee, any Member of the committee gives notice of intention to file supplemental, minority, or additional views, that Member shall be entitled to not less than 3 calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that Member, with the clerk of the committee. All such views so filed by one or more Members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted under subdivisions (A) and (B) of Rule 34) are included as part of the report. However, this rule does not preclude (1) the immediate filing or printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this subparagraph or (2) the filing by the committee of any supplemental report upon any measure or matter which maybe required for the correction of any technical error in a previous report made by that committee upon that measure or matter.

37. The Chairman of the committee or subcommittee, as appropriate, shall advise Members of the day and hour when the time for submitting views relative to any given report elapses. No supplemental, minority or additional views shall be accepted for inclusion in the report if submitted after the announced time has elapsed unless the Chairman of the committee or subcommittee, as appropriate, decides to extend the time for submission of views beyond 3 days, in which case he shall communicate such fact to Members, including the revised day and hour for submissions to be received, without delay.

Consideration of subcommittee reports

38. Reports and recommendations of a subcommittee shall not be considered by the full committee until after the intervention of three calendar days, excluding Saturdays, Sundays and legal holidays, from the time the report is submitted and printed hearings thereon shall be made available, if feasible, to the Members, except that this rule may be waived at the discretion of the Chairman.

Timing and filing of committee reports

39. It shall be the duty of the Chairman to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken the necessary steps to bring the matter to a vote.

40. The report of the committee on a measure which has been approved by the committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the Members of the committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the Chairman of the committee notice of the filing of that request.

41. Any committee or subcommittee report published by the committee shall follow the same procedures for its approval, including the opportunity to submit views, as is followed in the case of a report accompanying a bill or resolution which has been approved by the committee.

MEDIA COVERAGE

"42. The committee may permit, by majority vote, hearings or meetings which are open to the public to be covered in whole or in part by television, radio and still photography—or by any such methods of coverage—in accordance with Rule XI 3 of the Rules of the House of Representatives.

LEGISLATIVE AND OVERSIGHT JURISDICTION OF THE COMMITTEE ON SCIENCE AND TECHNOLOGY

"RULE X. ESTABLISHMENT AND JURISDICTION OF STANDING COMMITTEES

"The Committees and Their Jurisdiction.

"1. There shall be in the House the following standing committees, each of which shall have the jurisdiction and related functions assigned to it by this clause and clauses 2, 3, and 4; and all bills, resolutions, and other matters relating to subjects within the jurisdiction of any standing committee as listed in this clause shall (in accordance with and subject to clause 5) be referred to such committees, as follows:

* * * * *

"(r) Committee on Science and Technology.

"(1) Astronautical research and development, including resources, personnel, equipment, and facilities.

"(2) Bureau of Standards, standardization of weights and measures and the metric system.

"(3) National Aeronautics and Space Administration.

"(4) National Aeronautics and Space Council.

"(5) National Science Foundation.

"(6) Outer space, including exploration and control thereof.

"(7) Science scholarships.

"(8) Scientific research and development.

"(9) Civil aviation research and development.

"(10) Environmental research and development.

"(11) All energy research, development, and demonstration, and projects therefor, and all federally owned or operated nonmilitary energy laboratories.

"(12) National Weather Service.

"In addition to its legislative jurisdiction under the preceding provisions of this paragraph (and its general oversight function under clause 2(b)(1)), the committee shall have the special oversight functions provided for in clause 3(f) with respect to all nonmilitary research and development.

* * * * *

"SPECIAL OVERSIGHT FUNCTIONS

"3. (f) The Committee on Science and Technology shall have the function of reviewing and studying, on a continuing basis, all laws, programs, and Government activities dealing with or involving nonmilitary research and development."

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mrs. COLLINS) is recognized for 5 minutes.

[Mrs. COLLINS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Missouri (Mr. GEPHARDT) is recognized for 5 minutes.

● Mr. GEPHARDT. Mr. Speaker, because of illness in my family, it was not possible for me to be here for the last three votes on Friday, July 29.

Had I been present and voting, I would have cast my votes as follows:

Rollcall No. 294, motion that House recede and concur in Senator amendment No. 65 to H.R. 3069, supplemental appropriation, "nay."

Rollcall No. 295, motion that House recede and concur in Senate amendment No. 158 to H.R. 3069, supplemental appropriation, "yea."

Rollcall No. 296, final passage of House Concurrent Resolution 153, providing for summer district work period, "yea."●

LEAVE OF ABSENCE

Mr. GEPHARDT (at the request of Mr. WRIGHT), after 2:30 p.m., Friday, July 29, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

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WEBB FRANKLIN, MISS.

U.S. House of Representatives
Committee on
Merchant Marine and Fisheries
Room 1334, Longworth House Office Building
Washington, D.C. 20515

CHIEF MAJORITY COUNSEL
EDMUND B. WELCH

CHIEF MINORITY COUNSEL
GEORGE J. MANNINA

September 20, 1983

Honorable Louis Stokes
Chairman
Committee on Standards of Official Conduct
2360 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for the letter of September 15 signed by yourself and Mr. Spence advising of your Committee's efforts in examining the procedures for editing and publishing House documents.

Although the leadership of the House Merchant Marine and Fisheries Committee believes that the correct publication of Committee proceedings is of the highest priority, I have no specific comments to offer at this time.

With kind regards, I am

Sincerely,

Walter B Jones

Walter B. Jones
Chairman

JAMES R. JONES, OKLA.
CHAIRMAN

JIM WRIGHT, TEX.
STEPHEN J. SOLARZ, N.Y.
TIMOTHY E. WIRTH, COLO.
LEON E. PANETTA, CALIF.
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[illegible]
EXECUTIVE DIRECTOR
226-7200

NINETY-EIGHTH CONGRESS

U.S. House of Representatives
COMMITTEE ON THE BUDGET
Washington, D.C. 20515

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CONNIE MACK, FLA.

JOHN J. O'SHAUGHNESSY,
MINORITY STAFF DIRECTOR

September 20, 1983

Honorable Louis Stokes
Chairman, Committee on Standards
of Official Conduct
2360 Rayburn House Office Building
Washington, D. C. 20515

Dear Mr. Chairman:

Thank you for your correspondence of September 16, 1983, asking for recommendations to the Committee on Standards of Official Conduct to control improper alterations of House documents.

I have discussed this issue with the appropriate staff of the House Budget Committee, and based on those discussions, would make the following recommendations to the Committee:

- The Original copy of the transcript should not be released to committee staff, subcommittee staff or witnesses for editorial edification. Only copies of the Original should be released.
- Corrections from these copies should then be transcribed to the Original copy. By following this procedure, the Committee Printing Editor can then determine if any witness or staff has altered the remarks of other Members and witnesses.

This has been the practice followed by the House Budget Committee, and it has been very successful. I hope this information aids in your continued study of this matter, and if I or my staff can be of further assistance to you, I hope you will not hesitate to let me know.

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1983 SEP 22 8 57
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

With best wishes,

Sincerely,

J. Jones

JAMES R. JONES
Chairman

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CHIEF COUNSEL AND STAFF DIRECTOR

NINETY-EIGHTH CONGRESS
G. V. (SONNY) MONTGOMERY
CHAIRMAN

U.S. House of Representatives
COMMITTEE ON VETERANS' AFFAIRS
335 CANNON HOUSE OFFICE BUILDING
Washington, D.C. 20515

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September 21, 1983

Honorable Louis Stokes
Chairman
Committee on Standards of
Official Conduct
U. S. House of Representatives
Washington, D. C. 20515

Dear Mr. Chairman:

Thank you for your letter of September 16 seeking advice and suggestions from us regarding the procedures by which official records of the House are edited and published.

I have discussed this with Mr. Hammerschmidt, the ranking minority member of our Committee, and members of our staff. It is our view that the current procedures we have in place provide ample safeguards to prevent improper alterations of our official hearing records and markup sessions. Even though there have been isolated cases of abuse, considering the volume of work being done, we feel the system works very well.

In our committee we do not permit any changes in our documents by members of the staff except those who are authorized by the Members themselves to make changes. The Committee does not allow substantive changes to be made in transcript proceedings. We do allow all witnesses to review their remarks in order to correct grammatical errors and to make other non-substantive changes.

The procedures we have established over the years have worked quite well insofar as our particular committee is concerned. I would therefore propose no major changes in the procedures that are now in effect.

Sincerely,

Sonny Montgomery

G. V. (SONNY) MONTGOMERY
Chairman

cc: Hon. John Paul Hammerschmidt

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1983 SEP 26 PM 12:38
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U.S. House of Representatives
COMMITTEE ON ARMED SERVICES
Washington, D.C. 20515
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JOHN J. FORD, STAFF DIRECTOR

September 23, 1983

Honorable Louis Stokes
Chairman
Committee on Standards of
  Official Conduct
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for your letter of September 16, 1983, with regard to editing and publishing House documents. We welcome the opportunity to comment on the matter.

It has long been the practice in this committee to hold to the barest minimum the editing of documents being prepared for publication.

Rather than listing the basic rules normally followed in this committee, I have enclosed material illustrative of our practices which is reissued to the staff and others at the beginning of each session to ensure compliance with our long-standing policies and procedures in the matter.

I trust you will find this information useful in the pursuit of your stated inquiry.

With best wishes, I am

Sincerely,

Melvin Price
Chairman

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COMMITTEE ON
STANDARDS OF OFFICIAL CONDUCT

MP/whd

Enclosures

cc: Honorable Floyd Spence
Ranking Minority Member

U.S. House of Representatives
COMMITTEE ON ARMED SERVICES
Washington, D.C. 20515
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KEN KRAMER, COLO.
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JAMES L. NELLIGAN, PA.
THOMAS F. HARTNETT, S.C.

JOHN J. FORD, STAFF DIRECTOR

January 19, 1983

MEMORANDUM TO THE STAFF

SUBJECT: Fiscal Year 1984 Defense Authorization Hearings

Attached is a copy of a letter to the Secretary of Defense regarding procedures to be followed in providing witnesses' statements to the committee and editing of transcripts of the fiscal year 1984 Defense authorization hearings. After edited transcripts have been returned, Mr. Emmerichs will assign committee staff to edit members' testimony and to review the transcripts to ensure that all inserts have been provided and that testimony has not been unnecessarily edited or seriously altered. In previous years, transcripts have been returned to the Defense Department because of excessive editing.

Also attached is a guideline to be followed in order to expedite the printing of the hearings.

John J. Ford
John J. Ford
Staff Director

JJF:rea
Enclosures

[illegible], FLA.
JACK BRINKLEY, GA.
ROBERT H. MOLLOHAN, W.VA.
DAN DANIEL, VA.
G. V. (SONNY) MONTGOMERY, MISS.
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U.S. House of Representatives
COMMITTEE ON ARMED SERVICES
Washington, D.C. 20515
NINETY-SEVENTH CONGRESS
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THOMAS F. HARTNETT, S.C.

JOHN J. FORD, STAFF DIRECTOR

January 19, 1983

Hon. Caspar W. Weinberger
Secretary of Defense
Washington, D.C. 20301

Dear Mr. Secretary:

This is to inform you of the procedure to be observed in providing witnesses' statements to the committee and in editing transcripts of the committee's consideration of the Defense program and fiscal year 1984 authorization request. I wish to continue the procedure followed in the past.

Statements of witnesses

Witnesses' statements are to be provided at least 48 hours in advance of presentation. This deadline must be met in order to provide statements to members at least 24 hours in advance of presentation.

In the case of unclassified statements for the full committee, at least 130 copies must be provided to Ms. Nancy Jones, Room 2120, Rayburn House Office Building (RHOB), 48 hours in advance of presentation. At least 15 copies of classified statements for the full committee must be provided to Ms. Rita Argenta, 2120 RHOB, 48 hours in advance of presentation. In addition, the witness will provide 50 copies of classified statements for the committee members to Ms. Nancy Jones at the time of appearance. Classified statements will be removed by the witness at the conclusion of appearance.

These rules also apply to statements for subcommittees, and appropriate arrangements should be made with the committee staff assigned to the subcommittees regarding quantities of statements and delivery arrangements.

Fifty unclassified copies of statements for the press and public should be delivered to Ms. Jayne Donahue, 2120 RHOB, the morning of the hearing. In addition, the witness should provide copies for the press tables in the committee room (preferably 100) at the time of appearance.

Please instruct all witnesses to give the committee reporter at the beginning of their testimony a copy of any material to be inserted in the record, to denote any classified material, and to provide an additional copy for committee files. The additional copy should be provided to the committee staff by the responsible liaison officer.

Editing of transcripts

Each witness must edit the transcript(s) as soon as possible. Transcripts must be checked by a responsible person for clarity and readability before they are returned to the committee. All material submitted must be legible, and where at all possible, original photos, graphs, drawings, etc., should be included in the "Printer's Copy" of the edited transcripts. Illegible copy will be returned. Editing does not mean rewriting. If a clarifying statement is necessary it may be added at the appropriate point in the record. Rewritten testimony will be returned to the witness, as was the case with certain witnesses in the past, or the original testimony will be printed with an appropriate notation, as the circumstances may require.

Classified information furnished for the record. A letter addressed to the member requesting the information, with the desired information enclosed, is to be delivered to the committee offices. The same information should be inserted in the "Committee Copy" of the edited transcript and an unclassified or excised version of the information inserted in the "Printer's Copy."

Unclassified information furnished for the record. A letter addressed to the member requesting the information, with the desired information enclosed, is to be delivered to the member's office. The same information should be inserted in the "Committee Copy" and "Printer's Copy" of the edited transcript.

Witnesses must spell out any acronym or abbreviation the first time it is used.

In view of the time limitations that must be met under the Budget and Impoundment Control Act of 1974, it will be necessary to maintain a tight schedule for the return of transcripts. We are requiring that all edited transcripts be returned to the committee within 10 working days.

Full committee transcripts should be returned to Ms. Rita Argenta, 2120 RHOB.

Subcommittees will also be conducting hearings on separate portions of the Defense authorization request and will require return of transcripts within 10 working days in order to meet the schedule for reporting their findings to the full committee.

In the past witnesses and their offices have been very cooperative. However, a few offices have unduly delayed returning transcripts and/or supplying inserts, making the committee's work more difficult. I request that you impress upon your people the importance of giving this matter high priority.

I wish to remind all concerned that these procedures are based on committee rules, and therefore, I expect to receive full cooperation from all elements of your department.

Sincerely,

Melvin Price
Chairman

MP:rea

U.S. House of Representatives
COMMITTEE ON ARMED SERVICES
Washington, D.C. 20515
NINETY-SEVENTH CONGRESS
MELVIN PRICE (ILL.), CHAIRMAN

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ROBERT E. BADHAM, CALIF.
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JIM COURTER, N.J.
LARRY J. HOPKINS, KY.
ROBERT W. DAVIS, MICH.
KEN KRAMER, COLO.
DUNCAN L. HUNTER, CALIF.
JAMES L. NELLIGAN, PA.
THOMAS F. HARTNETT, S.C.

JOHN J. FORD, STAFF DIRECTOR

March 17, 1981

Gen. David C. Jones, USAF
Chairman of the Joint Chiefs of Staff
Washington, D.C. 20301

Dear General Jones:

During our review of the testimony of the Joint Chiefs of Staff on February 4, 1981, we noted what appeared to be a tendency to edit significantly, the testimony of the witnesses at some points in the record. We did not notice a similar practice with other witnesses who have appeared before the full committee in our fiscal year 1982 posture hearings.

It is committee policy to restrict editing of unclassified hearings to the minimum necessary to record as accurately as practicable testimony given in public. Also, excessive editing results in problems in the printing process. For example, inability to accurately follow the edited testimony could result in gross inaccuracies or refusal on the part of typesetters to record the edited testimony. In addition, the price accelerates with the amount of editing on a given page.

Accordingly, we trust the editing of testimony received on March 17, 1981, will be held to a minimum.

Of course, if the Chiefs desire to submit clarifying statements for the record, they may be inserted at the proper place.

Should the Chiefs consider it better practice on their part to edit their public testimony substantially, we will print both the original and edited versions in order to preserve the public record to the maximum possible degree. However, it will be the responsibility of the Department of Defense to retype each page of testimony where substantial editing has been included.

Sincerely,

Mel Price

Melvin Price
Chairman

MP:jfm

cc: C/S, Army
CNO
C/S, Air Force
CMC

GUIDELINES TO BE FOLLOWED IN STAFF EDITING OF COMMITTEE TRANSCRIPTS ON THE FISCAL YEAR 1984 DoD AUTHORIZATION HEARINGS AND HEARINGS ON OTHER LEGISLATION:

-Edited transcripts are to be returned to Rita Argenta within 2 working days.

-Transcripts are to be checked for accuracy only. Excessive editing will be returned. Pay particular attention that excessive editing has not been made by witnesses.

-Try to catch all typographical errors in the transcript — the transcripts are on computer tape and if errors are not initially corrected they will continue to appear in the galleys and page proofs.

-It is the responsibility of the staff member who has been assigned the editing task to ensure that the inserts from the department have been obtained and placed at the appropriate point in the transcript.

-In an effort to control problems with questionable testimony, attach a note to the front of the transcript summarizing the matters in question and listing the page number.

-Acronyms must be spelled out the first time they are used.

-Take special notice of whether or not the witnesses' statements for the record have been included. The statement need not be inserted if it is a duplicate of the witnesses' oral testimony.

-Transcripts that include a rollcall vote should be routed through Nancy Jones to ensure that the vote is correct.

NOTICE TO WITNESSES OR OTHER PERSONS EDITING TRANSCRIPTS OF HEARINGS CONDUCTED BY THE

COMMITTEE ON ARMED SERVICES
U.S. HOUSE OF REPRESENTATIVES

This transcript may be edited by the witness to correct grammatical errors or to eliminate classified information.

In no case can changes be made in this transcript which will change the context of the testimony given by the witness at the time of his appearance before the Committee on Armed Services, U.S. House of Representatives, or any of its subcommittees, unless the correction contains the original testimony and a footnote is inserted indicating that the original testimony was in error.

GPO [illegible]

CHARLES E. BENNETT, FLA.
SAMUEL S. STRATTON, N.Y.
BILL NICHOLS, ALA.
DAN DANIEL, VA.
G. V. (SONNY) MONTGOMERY, MISS.
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BEVE[illegible] BYRON, MD.
NICH[illegible] MAVROULES, MASS.
EAR[illegible]O, FLA.
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U.S. House of Representatives
COMMITTEE ON ARMED SERVICES
Washington, D.C. 20515
NINETY-EIGHTH CONGRESS
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JOHN J. FORD, STAFF DIRECTOR

INSTRUCTIONS TO WITNESSES OR OTHER PERSONS EDITING ARMED SERVICES COMMITTEE TRANSCRIPTS:

CORRECTIONS: This transcript may be edited to correct grammatical errors or to eliminate classified information only. In no cases can changes be made in this transcript which will change the context of the testimony given by the witness at the time of appearance. Editing does not mean re-writing. Excessive editing on on the part of witnesses will not be accepted. However, clarifying statements may be inserted at the proper place in the transcript. Illegible copy will be returned.

ACRONYMS: All acronyms or abbreviations must be spelled out the first time they are used.

WITNESS STATEMENT FOR THE RECORD: Statements not read completely into the record at the time of testimony must be included in the "Committee Copy" and "Printer's Copy" of the edited transcript.

CLASSIFIED INFORMATION FURNISHED FOR THE RECORD: A letter addressed to the congressional member or staff member with the desired information enclosed is to be delivered to the committee office listed below. The same information should appear in the appropriate place in the "Committee Copy" of the transcript and an excised version should appear in the "Printer's Copy" of the edited transcript. It is requested that inserts be provided at the time the edited transcript is returned to the committee.

UNCLASSIFIED INFORMATION FURNISHED FOR THE RECORD: A letter addressed to the congressional member or staff member with the desired information enclosed is to be delivered to the member's or staff member's office. A copy of this letter, excluding the enclosures, is to be provided to Ms. Argenta. The same information should appear in the "Committee Copy" and "Printer's Copy" of the edited transcript. It is requested that inserts be provided at the time the edited transcript is returned to the committee.

CHARTS, SLIDES, TABLES, PICTURES, ETC.: Where at all possible, original copies of all charts, photos, graphs, drawings, etc. should be included in the "Printer's Copy" of the edited transcript. Illegible copy will be returned.

COMMITTEE CONTACT: Ms. Rita Argenta
House Armed Services Committee
Room 2120, Rayburn House Office Building
225-1181

NINETY-EIGHTH CONGRESS

RONALD V. DELLUMS, CALIF., CHAIRMAN

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EDWARD C. SYLVESTER, JR., STAFF DIRECTOR
JOHN GNORSKI, MINORITY STAFF DIRECTOR

TELEPHONE: 225-4457

U.S. House of Representatives
Committee on the District of Columbia
ESTABLISHED 27 JANUARY 1808
Room 1310, Longworth House Office Building
Washington, D.C. 20515

October 6, 1983

The Honorable Louis Stokes, Chairman
and
The Honorable Floyd Spence, Ranking Minority Member
Committee on Standards of Official Conduct
2360 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressmen Stokes and Spence:

Thank you for the opportunity to offer our views on the subject of alleged improper alterations of House documents.

We regard this as an important matter, and we strongly support your efforts to make findings and rectify any aspect of present procedures which may be helpful in the elimination of any misrepresentations caused by either ommission or commission.

After discussing this matter with senior members of both majority and minority staff, we agreed to pass on to you the basic outline of the procedure we agreed to follow here in our Committee. We hope that it may hold some merit for others addressing the problem.

1) Staff are instructed, as a rule, to make changes affecting only grammar, typographical errors, obvious ommissions in language structure, and, when clearly necessary, changes for clarity.

2) Staff are instructed to never, under any circumstances, make changes which affect clear intent, thrust, tone, or the substance of a Member's remarks.

3) A greater critical standard and more scrutiny is likely if both majority and minority staff review the galley proofs of transcripts after initial corrections have been made and before page proofs or final copies are printed.

4) It is always the ultimate and final responsibility of the majority and minority staff directors to ensure that these procedures are followed. In their absence, this responsibility may be delegated to specific full or subcommittee staff members.

While we believe that these procedures will secure us from most, if not all errors, we shall continue to look for more effective means of eliminating all possibility of error.

Congressmen Stokes and Spence

Thank you again for the opportunity to comment on this subject.

Sincerely,

RONALD V. DELLUMS
Chairman

STEWART B. MCKINNEY
Ranking Minority Member

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1983 OCT 11 AM 9 10
COMMITTEE ON
STANDARDS OF OFFICIAL CONDUCT

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BOB STUMP, ARIZ.
WILLIAM F. GOODLING, PA.

THOMAS K. LATIMER, STAFF DIRECTOR
MICHAEL J. O'NEIL, CHIEF COUNSEL

ROOM H-405, U.S. CAPITOL
(202) 225-4121

U.S. HOUSE OF REPRESENTATIVES
PERMANENT SELECT COMMITTEE
ON INTELLIGENCE
WASHINGTON, D.C. 20515

October 11, 1983

Honorable Louis Stokes, Chairman
Honorable Floyd Spence, Ranking Minority Member
Committee on Standards of Official Conduct
Washington, D.C. 20515

Dear Mr. Stokes and Mr. Spence:

In response to your letter regarding the procedures by which official records of the House are edited and published, I wish to apprise you of the practices of the House Permanent Select Committee on Intelligence.

All transcripts of Committee hearings are reviewed for editing and grammar by staff, representing both majority and minority. Any and all changes to transcripts are read by staff representing both majority and minority and the transcripts are available for review by all Committee Members as well.

In addition, witnesses who appear at Committee hearings are provided the opportunity to review transcripts of their testimony and to make editorial but not substantive changes which are then reviewed by staff representing both majority and minority Members of the Committee.

These procedures have served the Committee well and they protect the integrity of the Committee hearing process.

With every good wish, I am

Sincerely yours,

Edward P. Boland

EDWARD P. BOLAND
Chairman

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1983 OCT 13 AM 9 30
COMMITTEE ON
STANDARDS OF OFFICIAL CONDUCT

SEP 1 1983

NINETY-EIGHTH CONGRESS
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JOHN M. SWANNER, STAFF DIRECTOR

U.S. House of Representatives
COMMITTEE ON STANDARDS OF
OFFICIAL CONDUCT
Washington, D.C. 20515

September 16, 1983

Dear Colleague:

As you know, House Resolution 254 authorizes and directs the Committee on Standards of Official Conduct to investigate alleged improper alterations of House documents. The Resolution also directs the Committee to report to the House any recommendations it deems appropriate to prevent such actions. To this end, the Committee seeks the advice and suggestions of Members regarding the procedures by which the official records of the House are edited and published.

Therefore, if you wish to offer suggestions with respect to existing or proposed procedures affecting the editing and publishing of House documents, the Committee would be pleased to receive them.

So that the Committee can expeditiously review and analyze such advice and set a hearing schedule, we ask that you notify the Committee within seven days of your intention to respond on the matter.

Sincerely,

Louis Stokes
Chairman

Floyd Spence
Floyd Spence
Ranking Minority Member

I do not wish
to "offer
suggestions,"
etc.

Thanks.

RECEIVED
1983 SEP 23 AM 9 05
COMMITTEE ON
STANDARDS OF OFFICIAL CONDUCT

RICHARD J. DURBIN
20TH DISTRICT, ILLINOIS

COMMITTEES:
AGRICULTURE
SCIENCE AND TECHNOLOGY

WASHINGTON OFFICE:
417 CANNON BUILDING
WASHINGTON, D.C. 20515
(202) 225-5271

Congreſs of the United States
House of Representatives
Washington, D.C. 20515

IN SPRINGFIELD:
307 S. 7TH ST., 62703
(217) 492-4062 OR
P.O. BOX 700 62706

IN DECATUR:
ROOM 110, 363 S. MAIN ST., 62523
(217) 428-4748 OR
P.O. BOX 1506 62525

IN QUINCY:
ROOM 205, 531 HAMPSHIRE ST., 62301
(217) 228-1042

SEP 26 1983

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1983 SEP 26 PM 12:41
COMMITTEE ON
STANDARDS OF OFFICIAL CONDUCT

September 22, 1983

Honorable Louis Stokes
Committee on Standards of Official Conduct
2360 Rayburn House Office Building
Washington, D.C. 20515

Dear Lou:

I just received your letter of September 16, 1983, asking for suggestions regarding the procedures by which the official records of the House are edited and published.

We can devise an elaborate system which will provide safeguards for the integrity of our House documents. This system could track very closely the actual words spoken in Committee and on the Floor; revisions and alterations by Members and the ultimate publication of the document. With enough personnel, I am certain that this system can be made secure.

Or, we can cut through to the crux of the problem.

What I am suggesting is moving toward verbatim transcripts in Committee and on the Floor of the House. I attach a bill which I have introduced to accomplish this. By using sworn court reporters with proven proficiency and utilizing tape recordings as the final arbiter, we can achieve very simply a secure record of House proceedings.

What we lose in deathless oratory, we will gain in accuracy and honesty.

I urge you and the members of the Committee to consider the enclosed bill in your deliberations.

Very truly yours,

Dick

Richard J. Durbin
Member of Congress

RJD:kb

THIS STATIONERY PRINTED ON PAPER MADE WITH RECYCLED FIBERS

98TH CONGRESS
1ST SESSION

H. RES. 287

To amend the Rules of the House of Representatives to provide that proceedings of the House and its committees shall be recorded verbatim by official reporters of the House and stenographers of committees, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 1983

Mr. DURBIN submitted the following resolution; which was referred to the Committee on Rules

---

RESOLUTION

To amend the Rules of the House of Representatives to provide that proceedings of the House and its committees shall be recorded verbatim by official reporters of the House and stenographers of committees, and for other purposes.

Resolved, That rule XXXIV of the Rules of the House of Representatives is amended by redesignating clauses 2 and 3 as 3 and 4, respectively, and by inserting after clause 1 the following new clause:

"2. (a) The official reporters of the House, including stenographers of committees, shall take down a verbatim account of words spoken in the House and committee. Except as provided by paragraph (b), no correction, revision, addition, or deletion of the verbatim account is permissible. The verbatim account in the House shall be designated in the Congressional Record as Proceedings of the House. It shall not be in order for the Speaker to entertain a request for the suspension of this rule or to present from the chair the request of any member for unanimous consent.

"(b)(1) After approval of the Journal, it shall be in order for any Member to move that errors in transcription which appear in the Congressional Record be corrected. Such corrections shall be noted in a section of the Record separate from the Proceedings of the House and no changes shall be made in the actual verbatim account in the House.

"(2) Transcripts of committee meetings and hearings shall be available, before printing, in the office of the committee for the correction of errors in transcription. A committee may, by committee resolution, adopt a procedure for noting the errors in transcription which appear in its printed transcripts of meetings and hearings.

"(3) Nothing herein shall affect the right of a Member to extend his remarks in the section of the Congressional Record designated as Extension of Remarks.".

SEC. 2. The amendments made by this resolution shall take effect immediately prior to noon January 3, 1984.

ROBERT S. WALKER
16TH DISTRICT, PENNSYLVANIA

COMMITTEES:
GOVERNMENT OPERATIONS
IENCE AND TECHNOLOGY

Congreſs of the United States
House of Repreſentatives
Waſhington, D.C. 20515

STAFF IN CHARGE:
MARTHA C. MORRISON
WASHINGTON OFFICE
MARC T. PHILLIPS
DISTRICT OFFICES

SEP 28 1983

RECEIVED
1983 SEP 26 PM 12: 41
COMMITTEE ON
STANDARDS OF OFFICIAL CONDUC

September 22, 1983

The Honorable Louis Stokes
Chairman
House Committee on Standards
of Official Conduct
2360 Rayburn Building
Washington, D.C. 20515

Dear Mr. Chairman:

Regarding your Dear Colleague letter of September 16, 1983, I would like to make the following comments on the situation surrounding House Resolution 254. I appreciate the opportunity to comment further on the investigation.

First, I am enclosing a copy of an article that I wrote for the Scripps-Howard newspaper chain, in which I describe in detail the nature of the problem and outline some possible solutions. As you can see, I suggest that verbatim transcripts be made of all House proceedings, both on the floor and in committee. There is already legislation pending which would require verbatim transcripts, and I am hopeful that this will be a major focus of your attention.

Second, should the Committee on Standards of Official Conduct decide to hold hearings on the resolution, I would appreciate very much being given the opportunity to present my views on this matter. Please be sure to let me know if there is any way that I can be of further assistance, or if you need additional information.

Again, thank you for taking the time to consider my suggestions, and I look forward to working closely with you in this situation.

Cordially,

Robert S. Walker

jwh

Even the title -- The Congressional Record -- sounds important. Most people assume it is what is says it is, an accurate record of the proceedings of Congress. Yet, today's Congressional Record is significantly altered before printing, distorted in its content and often quite inaccurate.

The alterations and distortions grow out of a privilege granted to Members of Congress to "revise and extend" their remarks. The privilege may have made sense at one point in legislative history for it does provide an opportunity to make grammatical changes or add pertinent material not actually spoken because of time constraints on debate. Whatever the limited purpose the practice was to have served, "revising and extending" has become a large loophole which permits Representatives and Senators to substantially alter their own remarks.

Therefore, the Record which was intended and is thought of as a verbatim account of Congressional proceedings has become something altogether different. It is full of speeches never delivered. Speeches made are quite often drastically changed before the Record is printed, or, in some cases, deleted entirely. Explanations about the purpose of legislation under consideration are regularly manufactured and inserted into the Record after the deliberations have been completed. And this whole process of alteration and distortion takes place under a cover of secrecy since no one is permitted access to legislative transcripts before the Record is printed.

The result is disastrous. The public often is provided deception rather than truth about Congressional proceedings.

Those institutions of our society which must rely on the Congressional Record to interpret our laws including the courts and regulatory agencies are left relying on a mixture of fact and fiction.

The nation should insist that the Congressional Record become a strictly verbatim transcript of legislative floor activity. Our judicial systems at both the state and federal levels use verbatim records. Many state legislatures establish verbatim accounts of their proceedings. Throughout the Western world, national lawmaking is recorded in verbatim form. Such a practice in the United States Congress would go a long way toward restoring some confidence in the process by which our laws our made.

The elimination of the "revise and extend" privilege would create some problems. Obviously there can be incorrect transcription, or remarks altered in meaning by improper punctuation. Americans would find that their Congresspersons do not always speak in grammatically correct sentences. When Congressional tempers flare, there would be no opportunity to expunge the permanent written Record of ungentlemanly or unladylike verbal sparring. Yes, Americans would discover that their Congress is a very human institution.

Bad as that might be, the benefits of restored integrity are worth the price of deflated Congressional egos and infrequent transcription inaccuracies. The written record of Congress would be brought into compliance with the other record of Congress which is already verbatim. The gavel to gavel television coverage of the House of Representatives produces a much more accurate account of the proceedings of that body on videotape and a particularly embarrassing situation arises when the written record and the videotape record do not agree.

For example, when the issue of special tax breaks for Representatives and Senators caused a public furor, the point was made that everybody knew what they were voting for because the new tax treatment had been explained on the House floor. Sure enough, the Congressional Record contained just such an explanation. But one Congressman looked at the videotape for that day and found no such statement. The "explanation" had been added later, not really made.

Legislation has been introduced by Representative Richard T. Durbin (D-Ill.) to produce a verbatim Congressional Record. I am a cosponsor. The Durbin bill deserves support. It would require an actual verbatim transcript of words spoken. It would permit corrections for inadvertent transcribing errors in a specially created portion of the Record. And it would allow Members of Congress to insert material into the Record not actually spoken, but only in a clearly separate section of the document.

The truth, it has been said, shall make us free. The assumption must be that the truth also is required to keep us free. That is why the record of how our laws are made -- The Congressional Record -- should be the truth and nothing but the truth.

Op-Ed by
Congressman Bob Walker
Republican, 16th District, Pennsylvania
September 12, 1983

MIKE SYNAR, OKLA., CHAIRMAN
ROBERT E. WISE, JR., W. VA.
BARBARA BOXER, CALIF.
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TOM LANTOS, CALIF.

LYLE WILLIAMS, OHIO
WILLIAM F. CLINGER, JR., PA.
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MAJORITY—225-6427
MINORITY—225-2735

NINETY-EIGHTH CONGRESS
Congress of the United States
House of Representatives
ENVIRONMENT, ENERGY, AND NATURAL RESOURCES
SUBCOMMITTEE
OF THE
COMMITTEE ON GOVERNMENT OPERATIONS
RAYBURN HOUSE OFFICE BUILDING, ROOM B-371-B-C
WASHINGTON, D.C. 20515

September 26, 1983

The Honorable Louis Stokes
Chairman
Committee on Standards of Official
    Conduct
House of Representatives
Washington, D. C. 20515

Dear Mr. Chairman:

I received your "Dear Colleague" letter of September 16, 1983, seeking suggestions regarding the procedures by which the official records of the House are edited and published. I appreciate the opportunity to provide the Committee on Standards of Official Conduct with information on this matter.

As the Committee is aware, since earlier this year the Subcommittee on Environment, Energy and Natural Resources has utilized revised procedures for the processing of all hearing transcripts. Although time-consuming, these procedures assure a permanent transcript processing log, limited access to hearing transcripts, and multiple points at which printing or editing errors can be identified and corrected before publication. A copy of the Subcommittee's transcript processing form, along with an outline of our procedure, is enclosed.

I hope this information is of some assistance to you in your review of House procedures for the processing of hearing transcripts.

With warm personal regards.

Sincerely,

Mike

MIKE SYNAR
Chairman

STANDARDS OF OFFICIAL CONDUCT
COMMITTEE ON
1983 SEP 28 AM 11:46
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MS/szh
enclosure

CONFIDENTIAL

FOR SUBCOMMITTEE
USE ONLY
NOT FOR RELEASE

MEMORANDUM

TO: CHAIRMAN
FROM: Staff Director
RE: Procedures for processing transcripts

Following is an outline of the procedure we use at the Subcommittee to process hearing transcripts:

1. Copies of the raw transcripts are received by the Subcommittee (usually five days after a hearing). One copy is maintained as the MASTER transcript and is retained in the safe in my office. (The form enclosed with this memorandum is attached to the Master transcript until the Master is sent to the Committee printers. At that time, the form is retained in the secured file for that hearing.)

2. One copy of the complete "raw" transcript is provided to the Minority Counsel for his file. One complete "raw" transcript is retained for review by those requesting it. It is Committee policy to allow other offices or outside persons to review this transcript; however, they are advised that it is an uncorrected copy and that they are not to quote directly from it.

3. The remainder of the copies are "ripped" up by the Subcommittee Çlerk for distribution to the Members and witnesses for correction. "Rips" for the Minority Members of the Subcommittee are provided directly to the Minority Counsel, per his request. He is responsible for getting these "rips" to the Minority Members for correction and back to the Subcommittee in a timely manner.

4. The "rip" for Chairman Synar is provided to the staff director for correction.

5. Upon return of all Member and witness "rips" (receipt is logged in on the attached form, as are all other steps in the process) all proposed corrections are reviewed by the staff director for substantive changes. Any question I might have concerning a proposed change is discussed with the professional in charge of the hearing; however, Member and witness "rips" are not provided to the professional staff member.

6. Should any proposed change be disallowed by the Subcommittee, the witness will be notified in writing.

7. All proposed corrections in testimony or remarks (assuming approval) are transferred to the Master transcript by the Subcommittee Clerk only.

8. The staff director reviews the Master transcript for inclusion of all necessary hearing materials and exhibits.

9. The staff director and the Subcommittee Clerk review the corrected Master transcript word-for-word with the individual "rips" returned by Members and witnesses. The Master is then sent to the Committee printers by the staff director, and the "rips" are returned to the safe along with the transcript processing form, and filed with the permanent copy of the hearing materials.

10. The Subcommittee then receives Galley Proofs of the hearing, and the Master transcript is returned at that time. The Galley Proofs are compared with the Master/"rips" by the staff director and the Subcommittee Clerk, and necessary printing corrections are made. The corrected Galley Proofs are returned to the Committee printers by the staff director. The Master/"rips" are returned to the safe for retention along with the permanent hearing record materials and the transcript processing form.

11. The Subcommittee then receives Page Proofs for review. The Page Proofs are reviewed by the staff director.* If necessary, the Page Proofs will be reviewed word-for-word by the staff director and Subcommittee Clerk. The returned Galley Proofs are filed in the safe along with Master, "rips", permanent hearing materials, and transcript processing form. The Page Proofs are returned to the Committee printers by the staff director.

12. The full Committee provides the Subcommittee with its allocation of copies of the final printed hearing record. An extra set of Page Proofs is returned to the Subcommittee, and is filed in the safe for retention along with the Master, "rips", Galley Proofs, permanent hearing materials, and transcript processing form. This permanent set of "transcript records" will be securely retained by the Subcommittee for one year after the publication of the printed hearing record, or until the end of a Congress -- which is longer. Following the period of retention, the Subcommittee will then provide the entire "transcript record" along with the processing form, to the National Archives for permanent retention.

*NOTE: An alternative, but more cumbersome process for the Members, is to provide a copy of the final Proofs to Members and witnesses for review and approval prior to final printing of the hearing record. Members and witnesses would be required to sign a form their remarks for final printing, and would have to be returned to the Subcommittee within a specified period (such as one week).

FOR SUBCOMMITTEE USE ONLY NOT FOR RELEASE

HEARING SUBJECT: ____________________

STAFFED BY: ____________________ DATE: __________

1. TRANSCRIPTS RECEIVED. Date __________ Received By __________ Number __________

--Transcripts disassembled and sent for correction to:

Member:	Attention Of:	Date:	By:
Chairman Synar	Sandra Harris, Staff Dir.		
Mr. Wise			
Mrs. Boxer			
Mr. Levine			
Mr. Kolter			
Mr. Lantos			
Mr. Williams	Carl Basic, Minority Counsel		
Mr. Clinger	Carl Basic, Minority Counsel		
Mr. Craig	Carl Basic, Minority Counsel		
Witnesses:			
--Extra Copy of Original Transcript Provided to Minority Counsel			

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2. CORRECTED TRANSCRIPTS RE[illegible]NED. (All corrections to be [illegible]viewed by Staff Director; note any disallowed corrections.)

Member:	Date Corrected Copy Received:	Date Corrections Transferred to MASTER:	By:	Date Corrected Copy Filed in Safe:
Mr. Synar				
Mr. Wise				
Mrs. Boxer				
Mr. Levine				
Mr. Kolter				
Mr. Lantos				
Mr. Williams				
Mr. Clinger				
Mr. Craig				
Witnesses:				

3. Staff Director checks MASTER for inclusion of hearing materials. Date____ By____

4. Edited MASTER compared with corrected pages by Staff Director and Clerk Date____ By____

5. Edited MASTER sent to Printers. Date____ By____
--Edited MASTER reviewed with Printers, if necessary. Date____ By____

6 Received GALLEYS for correction. Date____ By____

--MASTER returned with Galleys Yes___ No___

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7. GALLEYS compared with MASTER and corrections made. Date________ By________

--MASTER filed in Safe. Date________ By________

8. Corrected GALLEYS sent to Printers. Date________ By________

--GALLEYS reviewed with Printers, if necessary. Date________ By________

9. Received PAGE PROOFS for correction. Date________ By________

--GALLEYS returned with PAGES. Yes___ No___

--GALLEYS filed in Safe. Date________ By________

10. PAGES proofed by Subcommittee. Date________ By________

11. Corrected PAGES returned to Printers. Date________ By________

--PAGES reviewed with Printers, if necessary. Date________ By________

12. Full Committee delivers PRINTED HEARINGS. Date________ Number________

13. EXTRA SET OF PAGES retained in Safe with copy of corrections. Date________ By________

NOTES:

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JAMES T. BROYHILL
10TH DISTRICT, NORTH CAROLINA

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ENERGY AND COMMERCE
RANKING MINORITY
MEMBER

Congress of the United States
House of Representatives
Washington, D.C. 20515

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October 24, 1983

Honorable Louis Stokes
Chairman
Committee on Standards of
 Official Conduct
2360 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

In response to your letter of September 16, 1983, regarding House documents, I would like to address the lack of adequate procedural safeguards to protect the rights of all Members in the area of Committee Reports and Documents.

Unlike several other Committees, whose rules require Committee approval prior to the printing of any materials under the Committee's name, the present practice of the Energy and Commerce Committee gives the Chairman of the Committee complete discretion to either print or not print materials as he deems appropriate.

Obviously, the absence of a process by which the Committee as a whole approves in advance the printing of a Committee Report or Document denies any interested Member, particularly those in the Minority, the opportunity to participate in the preparation of the materials that form the basis of the report. Of equal importance, is that the present procedure denies each Member the ability to express in an open Committee meeting his or her views on the contents of the report.

Beyond these concerns, as they relate to what I believe ought to be a basic right of each Member of the House, is the false impression that the printing of a Committee Report or Document in this manner gives to any person, be they a student engaged in a research project, a constituent trying to learn more about his or her representative, or an individual following a particular issue within the jurisdiction of a Committee. Given the present procedure, anyone having such a legitimate interest will most likely be left with the mistaken belief that these Committee Reports and Documents represent the views of the Energy and Commerce Committee. How much harm will be done is incalculable.

It seems to me that there is a simple and fair solution to address these very real and legitimate concerns. I would recommend a change to the rules of the House which would --

(1) Require the advance approval in open session by a majority of the Members of a Committee, before any Committee Report or Document is authorized to be printed; and

(2) Provide each Member three days to file additional, minority, or separate views on the report if it has been authorized to be printed.

I believe this change to the House rules will eliminate the problems that exist with the existing procedures governing Committee Reports and Documents printed in the name of each Committee without jeopardizing the dissemination of useful information.

I will forward the specific language of my proposed rules change to you shortly and I am anxious to discuss this idea with you further at your convenience.

Sincerely,

Jim Broyhill

James T. Broyhill
Ranking Minority Member
Committee on Energy and Commerce

RECEIVED
1983 OCT 25 PM 2:07
COMMITTEE ON
STANDARDS OF OFFICIAL CONDUCT

Congress of the United States
Committee on Foreign Affairs
House of Representatives

Dear Committee on Standards of Offical Conduct:

In response to the Sept. 16th letter from Rep. STokes and Rep. Spence, I would like to bring up one point. If you are considering printing the hearings just as the reporter takes the hearing down, I think this would be a great mistake. As anyone who has compiled a hearing record together knows, the reporter does not always take the words spoken at the hearing down properly. I remember one hearing on whales. When we got the transcript back it said "wells." There is a great deal of difference between whales and wells. This is but one example that I can think of off the top of my head. I remember this one because I thought it was humorous, but all the cases are not so humorous. I do not think it would be fair to the witnesses and the Members of Congress for the hearing to be printed without them having a chance to correct the reporter's mistakes.

Sincerely,

Shirley Dawson

Shirley Dawson
Staff Assistant
Sub. on Human Rights
and Int'l Organiztions
703 House Annex 1
x67825

RECEIVED
1983 SEP 20 AM 8:29
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STANDARDS OF OFFICIAL CONDUCT

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Congress of the United States
House of Representatives
Washington, D.C. 20515

NOV - 3 1983

November 1, 1983

The Honorable Louis Stokes
Chairman
Committee on Standards of Official Conduct

The Honorable Floyd Spence
Ranking Minority Member

Dear Lou and Floyd:

In response to your letter of September 16th re procedures affecting the editing and publishing of House documents, my suggestions follow.

1. Committee and Subcommittee members should designate one staff person (committee or personal) to correct the work of the reporters.

2. Modifications should be confined to corrections or clarification. There should be no editing, nor should there be any extensions of remarks. House documents should reflect as faithfully as possible what was actually said in the committee meetings.

Yours very truly,

Bill Frenzel
Member of Congress

BF:mjn

copy to each of the above

THIS STATIONERY PRINTED ON PAPER MADE WITH RECYCLED FIBERS

STATEMENT OF CONGRESSMAN RICHARD J. DURBIN

BEFORE THE

HOUSE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

NOVEMBER 9, 1983

Mr. Chairman and Members of the Committee, I appreciate this opportunity today to submit testimony regarding the current practices followed by the House of Representatives in compiling and publishing its official documents.

The present system of allowing Members or staff to revise and extend their remarks, both on the floor of the House and in committee, has had a negative impact on Congress' image. The public doesn't really know what we said or where we stand if we retain the power to alter the record. And, as recent events show, the system lends itself to actual distortions of the record.

I believe it is time to make our Congressional Record and the proceedings of committees non-fiction, rather than fiction. Accordingly, I introduced House Resolution 287 on July 27, 1983, which would require that all proceedings of the House and its committees be recorded verbatim. This, in fact, has become the policy of the Science and Technology Committee, of which I am a member.

I believe this resolution, if adopted, would enhance the integrity of the proceedings of the House of Representatives. It would ensure the accuracy of statements made during debate on legislation. Also, it would change the present procedure which allows Members to revise their remarks before they are printed.

AT PRESENT, THE CONGRESSIONAL RECORD IS DEFINED UNDER LAW AS "SUBSTANTIALLY A VERBATIM TRANSCRIPT." UNLESS CHALLENGED ON THE FLOOR, MEMBERS ARE GIVEN WIDE LATITUDE TO CORRECT, REVISE AND ALTER THEIR REMARKS.

THE CURRENT PROCESS INHERENTLY DISTORTS THE ORIGINAL DIALOGUE. A VERBATIM TRANSCRIPT WILL GUARANTEE THAT THE CONGRESSIONAL RECORD IS A FACTUAL ACCOUNT OF WORDS ACTUALLY SPOKEN.

CHANGING THE PRESENT PROCEDURE WILL MEAN THAT A MEMBER'S REMARKS MAY NOT APPEAR AS ELOQUENT AS THEY PRESENTLY DO. BUT WHAT WE SACRIFICE IN STYLE, WE WILL MAKE UP FOR IN FACT.

HOUSE RESOULTION 287 WOULD ALLOW A SEPARATE SECTION IN THE CONGRESSIONAL RECORD AND COMMITTEE PROCEEDINGS FOR MEMBERS TO NOTE ERRORS IN THE VERBATIM TRANSCRIPT. ALSO, THE CURRENT PRACTICE OF ALLOWING SPACE WITHIN THE CONGRESSIONAL RECORD FOR MEMBERS TO EXTEND THEIR REMARKS WOULD BE RETAINED.

MY RESEARCH OF THE ACTIVITIES OF LEGISLATIVE BODIES IN OTHER WESTERN NATIONS INDICATES THAT VIRTUALLY ALL MAINTAIN A STRICT VERBATIM RECORD OF THEIR PROCEEDINGS.

WE SHOULD DO NO LESS. AT A TIME WHEN OUR GOVERNMENTAL INSTITUTIONS AND PROCESSES ARE UNDER INTENSE SCRUTINY, WE OWE IT TO THE AMERICAN ELECTORATE TO PROTECT THE FUNDAMENTAL INTEGRITY OF THE PROCEEDINGS OF THE U.S. HOUSE OF REPRESENTATIVES.